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1995

Illinois Register

Rules of Governmental Agencies

Volume 19, Issue 16— April 21, 1995

Pages 5894-6034

Index Department
Administrative Code Div.
111 East Monroe Street
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published by
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Secretary of State

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1995

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995	June 27, 1995	July 3, 1995	28	July 14, 1995
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Jan. 10, 1995	Jan. 17, 1995	4	Jan. 27, 1995	July 18, 1995	July 25, 1995	31	Aug. 4, 1995
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Apr. 25, 1995	May 2, 1995	19	May 12, 1995	Oct. 31, 1995	Nov. 7, 1995	46	Nov. 17, 1995
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June 20, 1995	June 27, 1995	27	July 7, 1995	Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF AGRICULTURE
NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF AGRICULTURE
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds

2) Code Citation: 8 Ill. Adm. Code 270

3) Section Numbers: Proposed Action:
270.10 Amendment
270.20 Amendment
270.60 Amendment
270.70 Amendment
270.185 Amendment
270.255 Amendment
270.310 Amendment
270.315 Amendment
270.685 Amendment

4) Statutory Authority: State Fair Act [20 ILCS 210]; Section 40.14 and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16 and 40.14]

5) A Complete Description of the Subjects and Issues Involved: Due to a recent reorganization within the Department, the name of the division (Division of Fairs and Promotions) has been updated in several Sections of the rules. In Section 270.185, additional medical information may be necessary for those people working in a food or drink stand or dining hall during the fair. In Section 270.255, information concerning disqualification requirements for entries is to be included in the premium books. In Section 270.310, amendments are being made to allow motorcycles on the grounds during the fair with the proper admission fee and in a specified parking area.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will be granted for receiving comments from the public. This comment period will begin on the day the notice of rulemaking appears in the Illinois Register. Comments should be sent to the attention of Debbie Wakefield, Department of Agriculture, State Fairgrounds, P. O. Box 19281, Springfield, IL

62794-9281, 217/785-5713, Facsimile: 217/785-4505.
12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: vendors, concessionaires, exhibitors
B) Reporting, bookkeeping or other procedures required for compliance: Additional medical information may be required for those people working in a food or drink stand or dining hall during the fair.
C) Types of professional skills necessary for compliance: No additional skills are required.

13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: Regulatory agenda was published at 19 Ill. Reg. 74, January 6, 1995.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS

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SUBCHAPTER J: FAIRS

PART 270

ILLINOIS STATE FAIR, AND DUQUOIN STATE FAIR,
NON-FAIR SPACE RENTAL AND THE GENERAL
OPERATION OF THE STATE FAIRGROUNDS

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270.15	Policy
270.20	Violation of Rules; Administrative Hearings

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DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

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Posting Food Prices

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Public Health

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DEPARTMENT OF AGRICULTURE

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270.665	Quarantine Provisions
270.670	Dogs
270.675	General Misconduct
270.680	Track Usage
270.685	Restrictions on Barn Use
270.690	

AUTHORITY: Implementing and authorized by the State Fair Act [20 ILCS 210] (see P.A. 98-5, effective June 9, 1993); implementing Section 40.14 and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16 and 40.14].

SOURCE: Adopted at 4 Ill. Reg. 25, p. 34, effective June 11, 1980; amended at 5 Ill. Reg. 1332, effective January 29, 1981; codified at 5 Ill. Reg. 10532; amended at 6 Ill. Reg. 8958, effective July 9, 1982; amended at 8 Ill. Reg. 6103, effective April 25, 1984; emergency amendments at 10 Ill. Reg. 13370, effective July 28, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 14282, effective August 20, 1986; amended at 10 Ill. Reg. 20468, effective November 26, 1986; amended at 11 Ill. Reg. 2228, effective January 20, 1987; amended at 15 Ill. Reg. 455, effective January 2, 1991; amended at 18 Ill. Reg. 9400, effective June 12, 1994; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS: POLICY: VIOLATION

Section 270.10 Definitions

Unless the context otherwise requires, the terms shall have the following meanings:

"Authorized vehicle" is an on-road or off-road vehicle operated by the Department of Agriculture.

"Concessionaire/Commercial Exhibitor" means any person selling directly to the public or taking orders for future sales pursuant to an annual space rental contract.

"Division" means the Division of Fairs and Promotions Horse-Racing,

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Department of Agriculture, State Fairgrounds, Springfield, Illinois 62794-9281 62796.

"Exhibitor" means any person who displays his/her goods, displays his/her person, or distributes information and is not engaged in sales pursuant to an annual space rental contract, or participates in programs offered by the Department.

"Person" means any individual, partnership, corporation, association, governmental or religious entity.

"Space Rental Contract" means a written contract entered into between the person(s) desiring to put on an exhibit or operate a concession and the Department.

"Space Rental office" means the office in charge of space rental, Division of Fairs and Promotions Horse-Racing, Department of Agriculture, State Fairgrounds, Springfield, Illinois 62794-9281 62796 or the office in charge of space rental for the DuQuoin State Fair, Division of Fairs and Promotions Horse-Racing, Department of Agriculture, Fairgrounds, DuQuoin, Illinois 62832.

"Special Agreement" means a multiple year or single year lease subject to a negotiated rate. This type of agreement would include persons building permanent structures, multiple year off season rentals, single or multiple year fair-time leases, etc.

"State Fair" means the annual event that is held at Springfield or the annual event that is held at DuQuoin for the purposes as set forth in Section 270.15.

"State Fairgrounds" means all the land and water areas, including all buildings and facilities located thereon, known as the State Fairgrounds at Springfield or DuQuoin.

"Superintendent of the Division of Fairs and Promotions Horse-Racing" means the Superintendent of the Division of Fairs and Promotions Horse-Racing, Department of Agriculture, State Fairgrounds, Springfield, Illinois 62794-9281 62796.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 270.20 Violation of Rules; Administrative Hearings

a) Vendors, concessionaires, exhibitors and persons renting space or using facilities at the State Fairgrounds who violate the rules and regulations adopted by the Department to govern the operation of these

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

~~activities shall be guilty of a business offense~~ (Section 13-0f--the State-Par--Act--111--Rev--Stat--1991--ch--127--par--173--120-165 210-137-

b) All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (111-Rev--Stat--1991--ch--127--par--173--120-165 210-137- [5 ILCS 100]) and the Department's Administrative Rules (8 Ill. Adm. Code 1) which pertain to administrative hearings, petitions, proceedings, contested cases, declaratory rulings and availability of Department files for public access. Administrative hearings are governed by the Illinois Administrative Procedure Act and Subpart B of the Department's Administrative Rules.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART B: CONCESSIONS AND EXHIBITS AT THE ILLINOIS STATE FAIR

Section 270.60 Policy Governing Exhibits/Concessions and Approval to Conduct Business

~~the Department recognizes that the State Fair is a proper forum for the free exchange of ideas in a free society~~ Furthermore, the Department reserves the right to license and regulate all concessionaires/exhibitors on the Fairgrounds. The business conducted under a space rental contract shall be at all times in accordance with Subparts A through I (as applicable) of this Part, the provisions of the space rental contract and the statutes of the State of Illinois.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 270.70 Exercising Constitutional Freedoms

The Department recognizes that the State Fair is a proper forum for the free exchange of ideas in a free society. For any person desiring to distribute information and/or solicit contributions on the fairgrounds in the exercise of constitutional freedoms, the Department shall designate an area or areas in which the proposed activities may be conducted. All activities shall be conducted from within, and not from without, the area or areas as designated by the Director, or a designated representative, for such purpose. All persons requesting such space shall apply for space pursuant to Sections 270.35 and 270.40, except that the revenue generating evaluation criteria of those Sections shall not apply. Privilege granted pursuant to this Section shall be provided at no charge. The provisions of Section 270.115 relative to broadcasting devices shall pertain to all persons exercising their constitutional freedoms.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER590395

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Section 270.185 Public Health

A lessee shall be responsible for determining that an employee in a food or drink stand or dining hall does not have or is not suspected of having a communicable disease or does not have sores or skin eruptions which could be detrimental to the public. A suspect may ~~will~~ be requested to submit to a health examination at the first aid station on the State Fairgrounds or provide other medical information to the Department as necessary.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART D: PREMIUMS AND RULES GOVERNING EXHIBITS OR EVENTS

Section 270.255 Premium Books

a) On or before July 1 of each year the Department shall establish and make available ~~upon request to the Division~~ a premium book for each of the categories set in Section 270.250 which shall state the following information:

- 1) Kinds and classes of events or exhibits in each general category;
 - 2) Entry requirements for each event or exhibit;
 - 3) Conditions under which entries shall be received, stalled and cared for, fees and qualification and disqualification requirements; and
 - 4) The amount of premium to be offered in each class. (The amount of premium offered shall be based on approved appropriations.)
- b) When considering the kinds of classes, entry requirements, conditions under which entries shall be received, stalled and cared for, entry fees and qualification and disqualification requirements, the Department shall take into consideration experience of previous Illinois State Fairs and other state fairs, changes in the industry which make it reasonable to adopt new provisions, available facilities, industry recommendations, changes in other classes or events, available appropriations, and any other matter which may affect the event or exhibit.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART G: FEES FOR ADMISSION TO THE STATE FAIR

Section 270.310 Admission of Motor Vehicles

Motor vehicles (autos and trucks) may be admitted to the State Fairgrounds provided a vehicle parking permit is purchased. The charge for vehicle admission shall be as set forth in the State Fair Schedule of Fees and Admissions. Bicycles ~~and motorcycles~~ shall not be permitted on the State

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Fairgrounds, except for competition, demonstration or exhibition purposes. It is the policy of the Department that motorcycles shall be permitted on the grounds pursuant to the payment of the proper admission fee and in a specified parking area only. It is the policy of the Department to keep motor vehicles, except in designated parking areas, to the absolute minimum to effectively and efficiently operate the State Fair. Golf carts shall obtain a permit.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 270.315 Employees of Exhibitor/Concessionaire

In order to obtain a commercial admission ticket, employees must furnish proof to the Paid Credentials Office, Division of Fairs and Promotions Horse--Racing, of their employment by a particular exhibitor or concessionaire.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART N: HORSE OR CATTLE BARN, STALL AND TACK ROOM RENTAL: NON-FAIR

Section 270.685 Track Usage

The use of the Coliseum and track(s) is not a guaranteed condition of any contract. The Department will make every effort to keep all facilities in usable condition. Only horses in the barns in the northeast corner of the grounds north of the poultry building and west and south of the trailer park will be permitted to use the mile track or the cinder half mile track. Riding or leading horses on streets except in route to a practice area is prohibited. Only authorized vehicles shall be permitted on the track. Vehicles operated by non-Department personnel must obtain permission from the Superintendent of the Division of Fairs and Promotions Horse--Racing, or a duly authorized representative, to operate a vehicle on the track. Unauthorized vehicles on the track will be cause for cancellation of a contract or lease.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Crow, Woodcock, Snipe, Rail and Teal Hunting
- 2) Code Citation: 17 Ill. Adm. Code 740
- 3) Section Numbers: Proposed Action:
740.20 Amendments
- 4) Statutory authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code (520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

- 5) A complete description of the subjects and issued involved: This Part is being amended to standardize site specific regulations and hours.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this part? No

- 10) Statement of statewide policy objectives: This rule has no impact on local governments.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

- 12) Initial regulatory flexibility analysis: This rule does not affect small businesses.

- 13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: Included in Regulatory Agendas submitted for period 1/1/95-6/30/95.

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 740

CROW, WOODCOCK, SNIDE, RAIL AND TEAL HUNTING

Section

740.10 Statewide Regulations

740.20 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982; amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984; amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired on January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. 9998, effective June 21, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive.
- b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (closed 7 days before duck waterfowl season)

Big Bend State Fish and Wildlife Area Conservation Area

Big River State Forest

Cache River State Natural Area

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Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (sub-impoundment area closes 7 days prior to the southern zone waterfowl season ~~closes 3-days-before-waterfowl-season-in-subimpoundment-area~~)

~~Chauncey--Marsh--(permit--required)--may-be-obtained-at-Red-Hills State-Park--must-be--returned--by--February--15--no--hunting--in dedicated-Nature-Preserve)~~

Crawford County Conservation Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhurst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 1:00 p.m. statewide-closing)

Horseshoe Lake Conservation Public--Hunting Area ~~(Alexander County)---~~ (public hunting area except closed-on controlled goose hunting area)

I-24 Wildlife Management Area

Iroquois County Wildlife Management Conservation Area (season closes the day before permit preasant season: 4:11 p.m. daily closing; sign in/out required ~~closes-at-4:00-p.m.-the-day-before permit-preasant-season--8:00-a.m.--to-4:00-p.m.-the-day--must check-out-and-report-harvest~~)

Jubilee College State Park (season coincides with Jubilee Upland season, 17 Ill. Adm. Code 530.110 ~~closed-1st-weekend--Saturday and-Sunday-of-October--legal-opening-to-4:00-p.m.~~)

Kankakee River State Park (woodcock only; during the controlled

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pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Kankakee River State Park October 1st day before pheasant season--9:00 a.m.--3:00 p.m.--hunters must check in--check-out--required within 15 minutes of completing hunt; 300 issued back patches must be worn while hunting; during pheasant season, hunters must abide by those portions 25-13-111--Adm.--Code--530.105--and--530.110 Rabbit Hunting--which pertain to Kankakee River State Park; no snipe or rail hunting)

Kaskaskia River State Fish and Wildlife Area (closes--3--days before--waterfowl--season--in Doza Creek Waterfowl Management Area closed 7 days prior to waterfowl season)

Kickapoo State Park--(9:00--a.m.--to--4:00--p.m.--closed--during firearm-deer season--no snipe or rail hunting)

Kidd Lake State Natural Area

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville-Kaskaskia--and--West-Okav-Wildlife-Management-Area

Marseilles Wildlife Area (woodcock only; Monday - Thursday only through October closed Fridays--Saturdays--and--Sundays--through October-30--no rail or snipe hunting)

Mermet Lake Fish and Wildlife Area

Middle-Park-Pish--and--Wildlife--Area--(9:00--a.m.--to--4:00--p.m.--closed--during--firearm--deer--season--no snipe or rail hunting)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, and 18

Mississippi River Pools 21, 22, and 24-25-and-26

Moreau-View State Park (closing at 4:00 p.m.--on day before state pheasant season; 9:00 a.m. to 4:00 p.m.)

Newton-Lake-State-Fish--&--Wildlife--Area (hunting allowed in portions open to rabbit hunting only--during period coinciding with--rabbit season--4:00--a.m.--to 4:00 p.m.; no hunting during firearm deer season)

Oakford Conservation Area

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Panther Creek Conservation Area

Peabody River King State Fish and Wildlife Area (West sub-unit only)

Pike County Conservation Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area CB)

Pyramid State Park

Ramsey Lake State Park (statewide hours until rabbit season begins; then 8:00 a.m. - 4:00 p.m.)

Randolph County Conservation Area (woodcock only no rail hunting)

Red Hills State Park (statewide hours until rabbit season, then 8:00 a.m. - 4:00 p.m. statewide closing)

Rend Lake Project Lands and Waters

Rice Lake Wildlife Area (season open during teal season only; sunrise until 1:00 p.m. 7-hours--are--sunrise--until--noon--no woodcock hunting)

Saline County Fish and Wildlife Conservation Area (statewide hours--until--noon--season; then 8:00 a.m.--4:00 p.m.)

Sam Dale Lake Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled pheasant hunting season, woodcock--and--snipe hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110--Rabbit-Hunting--which pertain to Sand Ridge State Forest--no rail hunting)

Sandwich County Conservation Area

Sandwich State Fish and Wildlife Conservation Area

Shawnee National Forest

State-M--hunters--must--sign--in--and--out--at--the--check--station; hunters are restricted to the non fee portion of the site during pheasant season; parking is permitted in designated areas only)

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Stephen A. Forbes State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sunspot Mine (Fulton and Schuyler Counties)

Tapley Woods State Natural Area (closed during firearm deer season)

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney, IL 62450)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Area Unit only)

Washington County Conservation Area (woodcock only no-rail hunting)

Weinberg-King State Park

Wildcat Hollow State Forest

Witkovsky State Wildlife Area

c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Chauncey Marsh

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Eagle Creek State Park (snipe and rail hunting after September 15 only)

Fox Ridge State Park (woodcock only; 4:00 p.m. daily closing)

Hidden Springs State Forest (no hunting during firearm deer season; 9:00 p.m. daily closing)

Kickapoo State Park (woodcock only; 4:00 p.m. daily closing)

Lake Shelbyville - Eagle Creek State Park (woodcock only; 4:00

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p.m. daily closing)

Lake Shelbyville - Eagle Creek Wildlife Management Area (no snipe or rail hunting; 4:00 p.m. daily closing)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Middlefork Fish and Wildlife Area (woodcock only; 4:00 p.m. daily closing)

Moraine View State Park (woodcock only; 4:00 p.m. daily closing; season closes the day before site's controlled pheasant season)

Site M (hunters are restricted to the Open Unit portion of the site during the controlled pheasant season, except those hunters who possess a valid quality unit upland permit)

Ten Mile Creek Fish and Wildlife Area

d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites, except no permanent blinds allowed except as authorized in 17 Ill. Adm. Code 530.15, 530.20, 530.40 and 530.50 (exceptions are in parentheses):
Anderson Lake Conservation Area

Blanding Wildlife Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (waters of Peppenhorst Branch and Allen Branch north of the buoys only)

Chain O'Lakes State Park (hunting is allowed only from numbered blind sites. The blinds need not be completed)

Carlyle Lake Wildlife Management Area

Chauncey Marsh (permit required; may be obtained at Red-Hills State Park headquarters; must return permit by February 15; no hunting in dedicated Nature Preserve)

Des Plaines Conservation Area (hunting is allowed only from numbered blind sites; the blinds need not be completed. Des Plaines River Waterfowl Area only; blind claiming privileges apply as specified in 17 Ill. Adm. Code 530.15 and 530.50b7)

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Pike County Conservation Area

Rend Lake Project Lands and Waters (no-permanent-blinds-allowed)

Rice Lake Fish and Wildlife Conservation Area (check in and check out required; sunrise until 1:00 p.m. 12-60-Neon)

Saline County Fish and Wildlife Area

Sanganois State Fish and Wildlife Conservation Area

Savanna Ordinance Depot (hunting-is-allowed-only-from-blind-stands)

Shawnee National Forest (no-permanent-blinds-allowed)

Snake Den Hollow Fish and Wildlife Area

Stephen A. Forbes State Park (walk-in hunting in the subimpoundment only)

Sunspot Mine (button-and-seneyier-counties)

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as refuge are closed to all access during season of goose season only; permit must be obtained by February 15 to District Wildlife Manager; 5-07-Box 3117-Blincy-15-0242)

Turkey Bluffs State Fish and Wildlife Area (no-permanent-blinds-allowed)

Union County Conservation Area (Fishing Line Management Unit only) (public goose hunting area only)

Woodford Fish and Wildlife County Conservation Area

e) Crow Hunting
1) Statewide regulations as provided for in this Part shall apply at the following sites (season dates in parentheses):

Mississippi River Pools 16, 17, 18

Panther Creek Conservation Area

Pike County Conservation Area (July 1 - August 15)

Pike County Conservation Area (July 1 through August 15)

Sanganois State Fish and Wildlife Area (July 1 through August 15; day after goose waterfowl season closes through March 1; non-toxic shot only)

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hunting-from-numbered-blind-sites-only-blinds-do-not-have-to-be-completed)

Dog Island Wildlife Management Area

Bidon-Hackett State Park (in-lands-and-waters-of-Peppenhorst Branch-and-Alien Branch-north-of-the-buoys-only-and-not-within clearly-posted-refuge-areas-or-developed-recreation-areas-or within-500-feet-of-construction-sites-developed-recreation areas-fisheries-rearing-ponds-roads-and-entrances-No permanent-blinds-minimum-12-decoys-minimum-200-yards-between hunting-parties)

Ft. de Chartres Historic Site (hunting is allowed from anchored, portable boat blinds only; muzzleloading shotguns only see-site specific-regulations-of-Section-590-604b)

Horseshoe Lake State Park (Madison County)

Horseshoe Lake Conservation Area - Public Hunting Area (Alexander County)

Kaskaskia River State Fish and Wildlife Area

Kidd Lake State Natural Area (no-permanent-blinds)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (site permit described in subsection 740.20(c) applies) Fish and Wildlife Area

Lake Shelbyville - Corps of Engineers Managed Lands and Waters

Lake Sinissippi Conservation Area

Marshall State Fish and Wildlife Area (Spring Branch Unit & Sparland Unit)

Mississippi River Fish and Waterfowl Management & Wildlife Area (Mississippi River Pools 25 and 26 and Illinois River-from-the Mississippi River-confluence-to Hannibal)

Mississippi River Pools 16, 17, and 18-21-22-24

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area (portable-blinds-only-200-yard minimum distance must be maintained between hunting parties)

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- 2) Snapot-Mine-(Fulton-and-Schuyler-Counties)
except hunting is permitted for in this Part shall apply
season at the following sites (season dates in parentheses):
Anderson Lake Conservation Area (After--waterfowl--season
closes--but--not--before--December--15--through--March--15)

Big Bend State Fish and Wildlife Conservation Area (December
15--through--March--15)

Big River State Forest (December--15--through--March--15)

Green River State Wildlife Area (January 1 - statewide
closing)

Bee-County-State-Wildlife--Area--(Green--River--Conservation
Area)--(January 1--through--March--15)

Trait--of--Peaks--(December--15--through--March--15)

- 3) All hunters must make a reasonable effort to retrieve downed
birds. All crows must be removed from the site by the hunter.

(Source: Amended at 19 Ill. Reg. _____, effective
_____)

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- 1) Heading of the Part: General Hunting and Trapping on Department-Owned or
-Managed Sites

2) Code Citation: 17 Ill. Adm. Code 510

3) Section Numbers: Proposed Action:

510.10 Amendments
510.20 Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3,
1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25,
2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2,
1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24,
2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 63a28 of the
Civil Administrative Code of Illinois [20 ILCS 805/63a28].

- 5) A complete description of the subjects and issues involved: This Part is
being amended to define the term waterfowl rest area; add language
indicating it is unlawful to consume alcohol while on a site for the
purpose of hunting or trapping, and to possess any alcoholic beverage
while in the field; add language indicating unauthorized persons are more
specifically restricted from occupying permit dove and controlled pheasant
hunting areas; add language indicating that hunter quotas not filled on a
drawing or special permit basis will be filled on a first-come,
first-served basis.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rule has no impact on
local governments.

- 11) Time, place and manner in which interested persons may comment on this
proposed rulemaking: Comments on the proposed rule may be submitted in
writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
(217) 782-1809

DEPARTMENT OF CONSERVATION

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- 12) Initial regulatory flexibility analysis: This rule does not affect small businesses.
- 13) State reason(s) for this rulemaking if it was not included in either of the 2 most recent regulatory agendas: Included in regulatory agendas submitted for period 1/1/95-6/30/95.

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 510

GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section

510.10 General Site Regulations

510.20 Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5-1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a28].

SOURCE: Adopted at 5 Ill. Reg. 9011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 13583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990; amended at 15 Ill. Reg. 9966, effective June 24, 1991; amended at 16 Ill. Reg. 11064, effective June 30, 1992; amended at 17 Ill. Reg. 10775, effective July 1, 1993; amended at 19 Ill. Reg. _____, effective _____.

Section 510.10 General Site Regulations

a) Regulations

1) Applicable regulations found in the Wildlife Code Title XVII, Stat. 1987, Ch. 117-1-20-1185-1197, General Regulations (Subchapter b) effective September 30, 1985, and Department of Conservation (Department or 900) Administrative Rules apply on any Department site.

2) All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.

b) Definitions:

- 1) Unauthorized person - any individual who is not a Department employee or an individual who is not present for the purpose of hunting or trapping.
- 2) Designated area - a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced

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time period.

- 3) Restricted area - a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.
- 4) Refuge area - a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the Department site superintendent when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.
- 5) Adult - a person 18 years of age or older.
- 6) Waterfowl Rest Area - a defined location at a site with a set boundary within which no public activity or presence is allowed for a specified period of time, except as authorized by the Department.

c) It shall be unlawful:

- 1) For any person to possess or consume any alcoholic beverage including beer or wine prior to or while on any site for the purpose of hunting or trapping.
- 2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.
- 3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed. Any tree stand must be portable and must be removed at the end of each day unless otherwise specified in 17-111. Adm. Code 650.660, 670 and 680.
- 4) To hunt or trap in a restricted area restrictively posted areas developed recreation areas and within 100 yards of construction sites, residences, and developed recreation areas.
- 5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit dove hunting season and controlled pheasant hunting season at sites holding such seasons, or during any hunting season where such restrictions are so posted at the site, when authorized hunting is in progress.
- 6) To use any site when the site superintendent or his authorized representative determine and state that the weather, water equipment or other conditions make the use of the site unsafe.
- 7) To hunt or trap outside designated areas at the site.
- 8) To enter trespass within a refuge, restricted area or waterfowl rest area unless authorized by the Department.
- 7) To hunt or trap on any Department-owned or -managed land that is not a designated area open to hunting or trapping pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 660, 670, 680, 690, 710, 715, 720, 730, and 740).
- 8) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Conservation hunting or trapping fees or to the operation of controlled pheasant hunting on Department lands pursuant to a written concession agreement.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 9) To hunt or trap without a valid permit where permits are required.

10) To hunt with any weapon except shotgun or bow and arrow unless otherwise specified.

11) To enter a refuge or restricted area to retrieve wounded game unless authorized by the Department. Authorization may be obtained from any Department employee at the site. Authorization will be based upon person's apparent ability to retrieve game without firearm or bow and arrow.

d) Specific Management Procedures

- 1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.

2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within fifteen minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).

3) In the event that Department budget reductions or site staffing reductions make the operation of check stations impractical, state sites that now require check stations and other restrictive hunter regulations may be opened to statewide regulations or closed to hunting by posting such notice at the site.

4) At sites where windshield permits are issued, such permits must be displayed in a location visible through the windshield of the vehicle while hunting.

5) Department will have the authority to issue site specific deer permits in addition to any other deer permits issued by the Department (See Parts 650, 660, 670 and 680); and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.

6) At sites where hunter quotas are not filled by a drawing or special permit, they will be filled on a first-come, first-served basis.

e) Only shotgun or bow and arrow shall be used for hunting unless otherwise specified.

6) If hunter or trapper quotas are necessary at any site, the quotas will be determined at the discretion of the Department and posted at the site unless the public is notified by public announcement news release that the quota will be filled by drawing or special permit. Hunter and trapper quotas are determined by the formula 1 hunter or trapper per 10-40 acres. Acres are determined by but not limited to the biological studies on the number of the species available, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site. All quotas are filled on a first-come, first-served basis unless the public is notified by public

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announcement ~~news-release~~ that the quota will be filled by a drawing or special permit. The Department shall use a special permit or drawing quota system whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department.

f) During pheasant, rabbit, quail and partridge season, hunters and trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while trapping, or hunting pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 510.20 Hunting and Trapping by Special Permit

a) A special permit will be issued by the Department for Department-owned or -managed sites when hunter or trapper demand is greater than the site can handle. The permit system is used as a fair and equitable way to distribute hunting and trapping opportunities without over-harvesting the wildlife population.

b) All regulations will be according to species regulations as provided for in 17-111-Adm-Code.

b) Application information will be announced publicly by the Department through the news-media.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

1) Heading of the Part: Fees for By-Product Material Licenses

2) Code Citation: 32 Ill. Adm. Code 334

3) Section Number: Proposed Action:

334.10 New Section

334.20 New Section

334.30 New Section

334.40 New Section

4) Statutory Authority: Implementing and authorized by the Uranium and Thorium Mill Tailings Control Act (see P.A. 88-638, effective September 9, 1994 [420 ILCS 421]).

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this rule to implement provisions contained under the Uranium and Thorium Mill Tailings Control Act. This rule will: (1) stipulate the fees to be charged the owner or operator of any property that has been used in whole or in part for the milling of source material and is being used for the storage or disposal of by-product material; (2) establish a schedule for payment of fees; (3) establish hearing procedures for the owner or operator who contests or who fails to pay the fees; (4) provide civil penalties for violations; and (5) establish reimbursement procedures for costs incurred by an owner or operator in connection with the decontamination or decommissioning of the storage or disposal facility, or other properties contaminated with by-product material.

6) Will this proposed rule replace an emergency amendment currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

Stephen J. England
 Department of Nuclear Safety
 1035 Outer Park Drive
 Springfield, Illinois 62704
 (217) 785-9881 (voice)
 (217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department does not believe that this rule will have an effect on any small businesses, small municipalities or not for profit corporations. This rule currently applies to only one facility in Illinois, the Kerr-McGee West Chicago Rare Earths Facility.

B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking does not require any additional reporting, bookkeeping or other procedures for compliance.

C) Types of professional skills necessary for compliance: None

13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: It was the Department's intent to list this rulemaking effort in the regulatory agenda scheduled for July 1, 1995. However, due to agreements adopted pursuant to court action, the rulemaking schedule has been upgraded.

The full text of the Proposed Rules is identical to the emergency rules which begin on page 6016.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Medical Assistance Programs

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Number: Proposed Action:

120.60 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13), [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is to introduce new procedures regarding enrolled spend-down cases. The reason for these changes is to reduce the time and effort local office staff expend on cases which do not have ongoing eligibility for medical assistance.

Two procedural changes are being made:

1. Cases which are not Medicaid eligible for any month of the enrollment period will be denied rather than enrolled if their countable income exceeds the QMB standard or their countable assets exceed the QMB asset disregard. The current QMB standard for one person is \$736. The asset disregard for one person is \$4,000.
2. Enrolled spend-down cases which do not achieve Medicaid eligibility within the last three months will be cancelled beginning in the sixth month of the enrollment period.

This rulemaking provides that medical expenses will be applied to the spend-down obligation in the following order:

1. Charges for DORS Home Services Program services and/or DMHDD Community Based Services;
2. Payments made for medical expenses within the previous six month; and
3. Unpaid medical expenses.

If multiple medical expenses are incurred on the same day, the expenses will be applied in the following order:

1. Health insurance deductibles;
2. All copayment charges incurred or paid on spend-down net day;
3. Expenses for medical services and/or items not covered by the Department's Medical Assistance Program;
4. Cost share amounts incurred for in-home care services by individuals receiving services through the Department on Aging (DOA);
5. Expenses incurred for in-home care services by individuals receiving or purchasing services from private providers;
6. Expenses incurred for medical services or items covered by the

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Department's Medical Assistance Program.

These proposed amendments also establish that cases eligible with a spend-down obligation who do not have a QMB or MANG(P) member will have an additional eligibility determination date. If countable income is greater than the QMB income standard or countable assets are greater than the QMB asset disregard, the case will not be enrolled in spend-down unless:

1. The case does not have a spend-down obligation for any month of the twelve-month enrollment period, or
2. Medical expenses equal the spend-down obligation for at least one month of the twelve-month enrollment period.

Cases which meet either of these conditions will be notified of the spend-down obligation. They will also be notified that their case will be reviewed beginning in the sixth month of the twelve-month enrollment period. If the client has not had medical eligibility in one of the last three months at the time of review (including the month of review), the case will terminate. A new enrollment date will be required if the client wishes continued medical assistance.

Cases with a spend-down obligation which did not have a QMB or MANG(P) member will be reviewed beginning in the sixth month of enrollment to determine if they have had medical eligibility within the last three months, including the month of review. If so, enrollment will continue. If not, enrollment will be terminated and the client will be advised that if he or she wishes continued medical assistance, reapplication is required. Upon reapplication, a new twelve-month enrollment period will be established (assuming non-financial factors of eligibility are met). If appropriate, a new spend-down obligation will be established.

If the client reapplies prior to four months after the end of the period of enrollment, the client will be sent through a special abbreviated intake procedure making use of current case record material to verify factors of eligibility not subject to change. Cases that remain eligible in the tenth month of the enrollment period or which have a QMB or MANG(P) member, will remain enrolled and will be redetermined once every 12 months.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

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- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., E., 3rd Floor, Springfield, Illinois 62762. The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) State reasons for this rulemaking: It was not included in either of the two most recent regulatory agendas. The reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

The full text of the proposed amendments begins on the next page:

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SUBCHAPTER b: ASSISTANCE PROGRAMS

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SUBPART A: GENERAL PROVISIONS

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Eligibility for Medical Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
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Specified Low-Income Medicare Beneficiary (SLIB) Income Standard
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SUBPART E: RECIPIENT RESTRICTION PROGRAM

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Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

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Migrant Medical Program
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Supplemental Payments (Repealed)
Institutional Status (Repealed)
Foster Care Program (Repealed)
Social Security Numbers (Repealed)
Unearned Income (Repealed)
Exempt Unearned Income (Repealed)
Education Benefits (Repealed)
Unearned Income In-Kind (Repealed)
Earnmarked Income (Repealed)
Lump Sum Payments and Income Tax Refunds (Repealed)
Protected Income (Repealed)
Earned Income (Repealed)
Budgeting Earned Income (Repealed)
Exempt Earned Income (Repealed)
Recognized Employment Expenses (Repealed)
Income From Work/Study/Training Program (Repealed)
Earned Income From Self-Employment (Repealed)

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Eligibility For Medical Assistance
Eligibility For Medical Assistance For Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women
MANG(AABD) Income Standard
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All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities
Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
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Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

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120.273 Earned Income From Roomer and Boarder (Repealed)
 120.275 Earned Income In-Kind (Repealed)
 120.276 Payments from the Illinois Department of Children and Family Services (Repealed)
 120.280 Assets (Repealed)
 120.281 Exempt Assets (Repealed)
 120.282 Asset Disregards (Repealed)
 120.283 Deferral of Consideration of Assets (Repealed)
 120.284 Spend-down of Assets (AMI) (Repealed)
 120.285 Property Transfers (Repealed)
 120.290 Persons Who May Be Included in the Assistance Unit (Repealed)
 120.295 Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

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 120.308 Client Cooperation
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 120.318 Institutional Status
 120.319 Assignment of Rights to Medical Support and Collection of Payment
 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
 120.324 Health Insurance Premium Payment (HIPP) Program
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120.347 Treatment of Trusts
 120.350 Lump Sum Payments and Income Tax Refunds
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 120.382 Asset Disregard
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 120.384 Spend-down of Assets (MANG)
 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
 120.386 Property Transfers Occurring On or Before August 10, 1993
 120.387 Property Transfers Occurring On or After August 11, 1993
 120.390 Persons Who May Be Included In the Assistance Unit
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC, AFDC-MANG and Children Born October 1, 1983, or Later
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
 120.393 Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
 120.395 Payment Levels for MANG
 120.399 Redetermination of Eligibility

TABLE A Value of a Life Estate and Remainder Interest

TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V, VI and VII and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill.

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Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 13318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill.

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Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987 for a maximum of 150 days; amended at 11 Ill. Reg. 11034, effective August 4, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective July 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendments at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective

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January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 10, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; amended at 19 Ill. Reg. _____, effective _____.

Period shall begin with:
1) the first day of the month of application; or
2) the first day of the month prior to the month of application; if the client meets non-financial eligibility requirements and if the client so desires; or
3) the first day of a month after the month of application that the client meets non-financial eligibility requirements.
b) c) Eligibility Without Spend-down for MANG (AABD) and 7 MANG(C) and AMI 1) If the client's nonexempt income (Sections 120-325 and 120-342) available during the eligibility period is equal to or below the applicable MANG standard or AMI-Standard (Sections 120.20 and 120.30 120-58), and nonexempt non-exempt assets are not in excess of the applicable asset disregard (Section Sections 120-282 and 120.382) the client is eligible for medical assistance Medical Assistance from the first day of the eligibility period. Covered services received during the entire eligibility period will be paid for by the Department.
2) The client is responsible to report any changes that occur during the eligibility period which might affect eligibility for medical assistance Medical Assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for medical assistance Medical Assistance. If changes in income, assets or family composition occur which would make the client a spend-down case, a spend-down obligation will be determined and the subsections in (c) (d) below will apply.
3) A redetermination of eligibility will be made every twelve (12) months. For AMI clients wishing continued Medical Assistance after the six (6) month eligibility period must reapply for Medical Assistance.
c) d) Eligibility with Spend-down for MANG (AABD) and 7 MANG(C) and AMI 1) If the client's nonexempt income available during the applicable eligibility period is greater than the applicable MANG standard or AMI-Standard and/or nonexempt non-exempt assets are over the applicable asset disregard, the client must meet the spend-down obligation determined for the eligibility period before becoming eligible to receive medical assistance Medical Assistance. The spend-down obligation is the sum of the amount by which the client's nonexempt non-exempt income exceeds the MANG standard or AMI-Standard and the amount of nonexempt non-exempt assets in excess of the applicable asset disregard.
2) The client meets the spend-down obligation by incurring or paying for medical expenses in an amount equal to the spend-down obligation.
A) Medical expenses shall be applied to the spend-down obligation in the following chronological order:
1) Charges for DHS Home Services and of DMHDD Community Based Services. These charges are considered incurred

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, and DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy

The following subsections apply to all cases other than those receiving care in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Care Facilities, Department of Mental Health and Developmental Disabilities (DMHDD) Facilities, or DMHDD approved community based residential settings under 89 Ill. Adm. Code 140.643 or pregnant women and children born October 1, 1983, or later who do not qualify as mandatory categorically needy.

- a) The eligibility period for MANG (AABD) and MANG(C) is one (1) month. The eligibility period shall begin with:
 - 1) the first day of the month of application; or
 - 2) the first day of any month prior to the month of application that the client meets non-financial eligibility requirements up to three months prior to the month of application, if the client so desires; or
 - 3) the first day of a month after the month of application that the client meets non-financial eligibility requirements.
- b) the eligibility period for AMI is six (6) months; the eligibility

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the first day of the month regardless of the day the services are actually provided.

ii) Payments made for medical expenses within the previous six months. Payments are considered incurred the first day of the month of payment.

iii) Unpaid medical expenses. These are considered as of the date of service and are applied in chronological order.

B) If multiple medical expenses are incurred on the same day, the expenses are applied in the following order:

i) Health insurance deductibles (including Medicare and other co-insurance charges);

ii) All copayment charges incurred or paid on spend-down met day;

iii) Expenses for medical services and/or items not covered by the Department's Medical Assistance Program;

iv) Cost share amounts incurred for in-home care services by individuals receiving services through the Department on Aging (DOA);

v) Expenses incurred for in-home care services by individuals receiving or purchasing services from private providers;

vi) Expenses incurred for medical services or items covered by the Department's Medical Assistance Program. If more than one covered service is received on the day, the charges will be considered in order of amount. The bill for the smallest amount will be considered first.

B) Medical expenses incurred prior to the eligibility period may be considered for purposes of spend-down to the extent that the client makes payments on them during the eligibility period or to the extent the medical bills remain the responsibility of the client.

3) After application for Medical Assistance, the client will be notified in writing of the spend-down obligation. The client will also be notified of the six-month enrollment period, the time in which no new application is necessary. When proof of incurred medical expenses equal to the spend-down obligation is provided to the local office, eligibility for Medical Assistance shall begin effective the first day that the spend-down obligation is met. Covered services received from that date until the end of the eligibility period will be paid for by the Department. The client shall be responsible directly to the provider for payment for services provided prior to the time client meets the spend-down obligation.

A) If one bill for medical expenses incurred on a certain date is more than enough to equal the spend-down obligation, part of the bill will be used to meet the spend-down obligation

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and the Department will price the bill to determine the Department's liability. If any of the Department's liability is greater than the Department's rate, the Department shall be liable only if the Department's rate is greater than the part of the bill used to meet spend-down and only for the difference between those two amounts.

B) If more than one bill for medical expenses incurred on the same date would be enough to equal or exceed the spend-down obligation, medical expenses shall be applied to the spend-down obligation in the following order:

i) Medicare and other health insurance premiums, deductibles or co-insurance charges;

ii) Medical expenses for services recognized under State law but not included in the State plan;

iii) Medical expenses for services included in the State plan. Once medical expenses are applied towards the spend-down obligation, the order of application shall not be changed.

C) If a service is provided during the eligibility period but payment may be made by a third party, such as an insurance company, the medical expense will not be considered towards spend-down until the bill is adjudicated. When adjudicated, that part determined to be the responsibility of the client shall be considered as incurred on the date of service.

3) After application for medical assistance for cases eligible with a spend-down obligation who do not have an OMB or MANG(P) member, an additional eligibility determination will be made.

A) If countable income is greater than the OMB income standard (Section 120.74) or countable assets are greater than the OMB asset disregard (Section 120.382(d)), the case will not be enrolled in spend-down unless:

i) The case does not have a spend-down obligation for any month of the twelve-month enrollment period, or

ii) Medical expenses equal the spend-down obligation for at least one month of the twelve-month enrollment period.

B) Cases which meet either of these conditions will be notified in writing of the spend-down obligation. The client will also be notified that their case will be reviewed beginning in the sixth month of the twelve-month enrollment period. If they have not had medical eligibility in one of the last three months at the time of review (including the month of review), the case will terminate at which time a new application will be required if the client wishes continued medical assistance.

C) When proof of incurred medical expenses equal to the spend-down obligation is provided to the local office, eligibility for medical assistance shall begin effective the first day that the spend-down obligation is met. Covered

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services received from that date until the end of the eligibility period will be paid for by the Department. The client shall be responsible directly to the provider for payment for services provided prior to the time the client meets the spend-down obligation.

- 4) Cases with a spend-down obligation which do not have an OMB or MANG(P) member will be reviewed beginning in the sixth month of enrollment to determine if they have had medical eligibility within the last three months, including the month of review. If so, enrollment will continue. If not, enrollment will be terminated and the client will be advised that if he or she wishes continued medical assistance, a reapplication must be filed. Upon reapplication, a new twelve-month enrollment period will be established (assuming non-financial factors of eligibility are met). If appropriate, a new spend-down obligation will be created.

A) If the client files a reapplication prior to four months after the end of the period of enrollment, the client will be sent through a special abbreviated intake procedure making use of current case record material to verify factors of eligibility not subject to change.

B) Cases that remain eligible in the tenth month of the enrollment period or which have an OMB or MANG(P) member, will remain enrolled and will be redetermined once every 12 months. 4) Prior to the end of the six-month enrollment period all clients, whether or not the spend-down obligation has been met, shall be notified in writing that enrollment will end on a certain date. The client will also be informed by this notice that if he or she wishes continued Medical Assistance, a reapplication must be filed. Upon reapplication, a new six-month enrollment period will be established, assuming non-financial factors of eligibility are met, and if appropriate, a new spend-down obligation will be created. If the client files a reapplication prior to four (4) months after the end of the initial six-month enrollment period, the client will be sent through a special abbreviated intake procedure making use of current case record materials to verify factors of eligibility not subject to change.

- 5) The client is responsible to report any changes that occur during the six-month enrollment period which might affect eligibility for medical assistance Medical Assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for medical assistance Medical Assistance.

- 6) If changes in income, assets or family composition occur, appropriate adjustments to the spend-down obligation and date of eligibility for medical assistance Medical Assistance shall be

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made by the Department. The client will be notified in writing of the new spend-down obligation.

- A) If income decreases or assets fall below the applicable asset disregard and, as a result, the client has already met the new spend-down obligation, eligibility for medical assistance Medical Assistance shall be back-dated to the appropriate date.

- B) If income or assets increase, and, as a result, the client has not produced proof of incurred medical expenses equal to the new spend-down obligation, the written notification of the new spend-down amount will also inform the client that he or she will no longer receive a Medicaid Medical Eligibility Card and eligibility for medical assistance Medical Assistance will be interrupted until proof of medical expenses equal to the new spend-down obligation is produced.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Allied Health Care Professional Assistance Law
- 2) Code Citation: 77 Ill. Adm. Code 598
- 3) Section Numbers: Proposed Action:
 598.100 Amendment
 598.130 Amendment
- 4) Statutory Authority: Implementing and authorized by the Allied Health Care Professional Assistance Law [110 ILCS 905].
- 5) A Complete Description of the Subjects and Issues Involved:

Section 598.100 Limitations on Use of Scholarship Funds.

Amendments to this Section revise allowed uses of scholarship funds; delete the monthly living stipend; eliminate the differentiation between awards to full-time and part-time students; revise procedures for disbursement of scholarship awards; limit the number of years a recipient can receive scholarship awards; and prohibit recipients from being delinquent in tuition payments to school.

Section 598.130 Term of Performance.

This Section is being amended to delete a provision for notifying a recipient's school to stop disbursement of scholarship funds, because awards will be sent directly to the recipient instead of to the school.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? Yes
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain any Incorporations by Reference? No
- 9) Are there any Other Proposed Amendments Pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking corrects and clarifies award and disbursement provisions for the Allied Health Care Professional Assistance Law.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

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These rules may have an impact on small businesses. In accordance with Sections 1-20 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities, and Not-For-Profit Corporations Affected: None.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: No new reporting procedures are required for compliance.

C) Types of Professional Skills Necessary for Compliance: None.

- 13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: This rulemaking was not included in the Department's regulatory agenda because the need for these changes was not identified prior to the Department's filing of the agenda.

The text of the Proposed Amendments is identical to Emergency Amendments that appear in this issue of the Illinois Register on page 6022.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Confidentiality of Information

2) Code Citation: 89 Ill. Adm. Code 505

3) Section Numbers: Proposed Action:

- 505.5 Amendments
- 505.10 Amendments
- 505.40 Amendments
- 505.50 Amendments
- 505.60 Amendments
- 505.70 Amendments
- 505.80 Amendments

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and Social Security Regulations (20 CFR 401 (1992)) and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

5) A Complete Description of the Subjects and Issues Involved:

Substantive changes are being proposed to Section 505.50 to clarify that DORS will further release customer information for the benefit of a customer which it receives from other sources unless specifically prohibited to do such.

Other technical changes are being made throughout the Part to eliminate citation to the Illinois Revised Statutes and change the term "client" to the preferred term of "customer."

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? No

10) Statement of Statewide Policy Objectives:
This is not applicable to this Rulemaking.

11) Time, Place and Manner In which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager

DEPARTMENT OF REHABILITATION SERVICES

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Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

13) State reasons for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This rulemaking was included in the 1995 regulatory agenda.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 505

CONFIDENTIALITY OF INFORMATION

Section	Definitions
505.5	General
505.10	Definitions (Renumbered)
505.20	Ownership of Records
505.30	Release of Confidential Information without the Consent of the Customer <u>Client</u>
505.40	Release of Confidential Information with the Consent of the Customer <u>Client</u>
505.50	<u>Client</u>
505.60	Procedures
505.70	Subpoenas
505.80	Additional Rules

AUTHORITY: Implementing Sections 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and Social Security Regulations (20 CFR 401 (1992)) and authorized by Section 16 of the Civil Administrative Code of Illinois (20 ILCS 5/16).

SOURCE: Adopted at 7 Ill. Reg. 5247, effective April 1, 1983; amended at 8 Ill. Reg. 15493, effective August 15, 1984; amended at 9 Ill. Reg. 16971, effective October 16, 1985; amended at 11 Ill. Reg. 9952, effective May 8, 1987; amended at 15 Ill. Reg. 7728, effective May 7, 1991; amended at 17 Ill. Reg. 9964, effective June 22, 1993; amended at 19 Ill. Reg. _____, effective _____.

Section 505.5 Definitions

Customer Client -- Means a person who is receiving, has received, or has applied for any DORS services, including a student at a DORS school, or the person empowered by law to act on behalf of the customer client.

Confidential Information -- Means all closed, active and future records and conversations (including Teletypewriter/ Telecommunication Devices for the Deaf (TTY/TDD)) between the customer client and counselor kept by DORS, concerning the customer's client's program of services. Printouts from TTY/TDD conversations must be destroyed upon completion and documentation of the call.

DORS -- Means the Illinois Department of Rehabilitation Services.

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Employee -- Means any person employed by DORS to participate in the delivery of DORS' programs. As used in this Part, the term shall also include supervisory level personnel and others in management positions.

Guardian -- Means the person appointed by a court as the guardian of the person of a minor or of an adult.

Parent -- Means either a natural or adoptive parent, except those whose parental rights have been terminated voluntarily or by order of a court, or otherwise restricted by order of a court.

Representative -- Means the person that the customer client by Power of Attorney, or otherwise in writing, has authorized to act on the customer's client's behalf.

Services -- Means the assistance and support available under DORS' program to a customer client.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 505.10 General

a) DORS through its facilities and various offices, shall maintain records on all customers clients. All records shall be of a confidential nature and shall not be made available to the general public.

b) Except as required or allowed in this Part, no confidential information obtained concerning customers clients may be disclosed without the consent of that individual. If the information concerns a minor, the consent of a parent or a guardian must also be obtained. After a person has reached the age of 18 years, the records of that individual may be disclosed only with the consent of that individual, or, if one has been appointed, the guardian of the person of an adult. Except as provided in this Part, each customer client who has reached 12 years of age, a parent of a minor customer client, or a guardian or duly authorized representative of a customer client shall have full access to the confidential information contained in the customer's client's record.

d) All customers clients, representatives, service providers, cooperating agencies, and interested persons shall be informed of the confidentiality of personal information and the conditions for accessing and releasing this information.

e) All customers clients and their representatives must be informed about DORS' need to collect personal information and the policies governing its use. DORS shall inform customers clients of the following:

1) the authority under which information is collected;

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- 2) the principal purposes for which DORS intends to use or release the information;
 - 3) whether the customer's entire provision of the information is mandatory or voluntary and the effects of not providing requested information to DORS;
 - 4) those situations where DORS requires or does not require informed written consent of the customer entire before information may be released; and
 - 5) other agencies to which information is routinely released and the types of information so released.
- f) All explanations to customers entire and their representatives about state policies and procedures affecting confidential information must be in the customer's entire primary language and must be through appropriate modes of communication for those individuals who rely on special modes of communication, including Braille.
- g) Any person entitled to access customer entire files (as set forth in Section 505.50 of this Part) may inspect those files and request modification of any part of the record which he or she believes is misleading. If such a request is refused, the customer entire is entitled to submit a written rebuttal to such records and submit the rebuttal for incorporation as a permanent part of the record. Whenever the disputed part of the record is disclosed, the rebuttal shall accompany the disclosed part.
- h) Information in case records received from, or developed for, the Social Security Administration (SSA) shall be controlled by its regulations governing confidentiality (20 CFR 401 (1992)). Such information in the records of DORS' Bureau of Disability Determination Services shall be available to the other sections of DORS in connection with the delivery of services to a customer entire. However, should such information be sought by a customer entire, the inquiry shall be directed to the originating source of the information or the SSA. However, by federal law, a Member of Congress has a right to receive this information upon request.
- i) This Part shall not apply to the educational records maintained by any of DORS' facilities. Such records are subject to the Illinois School Student Records Act (105 ILCS 107-1 et seq.) and any regulations thereunder. Other DORS records received and maintained by the facilities operated by DORS shall not be commingled with the educational records and shall be governed by this Part.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 505.40 Release of Confidential Information without the Consent of the Customer entire

- a) An employee may, in the course of providing services, disclose

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- confidential information without the consent of the customer entire to other DORS employees (e.g., counselor's supervisor, legal Counsel, Hearings Coordinator), with the exception cited in Section 505.80(b) and (c). However, information in a vocational rehabilitation file may be shared only if it is for the administration of the VR program. Information in a VR file may be released to HSP, DDS and other non-VR divisions only if the customer entire whose information is to be released consents.
- b) Pursuant to DORS' obligations under federal and state law and regulations to utilize both similar benefits and alternative programs for which a customer entire may be eligible, the employee may disclose to agencies having such programs or benefits personal identifying information obtained during the intake process without the consent of the customer entire. However, only such personal identifying information as is essential to the referral shall be disclosed. The remainder of the information shall only be released to another agency after written consent from the customer entire is obtained.
- c) Only the Director shall authorize the release of confidential information to an organization, agency, or individual engaged in audit, evaluation, research, or employee disciplinary actions and only for purposes directly connected with the administration of the program or for purposes which would significantly improve the quality of life for persons with disabilities. The organization, agency, or individual shall assure that:
- 1) the information shall be used only for the purposes for which it is being provided;
 - 2) the information shall be released only to persons officially connected with the audit, evaluation or research, or employee disciplinary action;
 - 3) the information shall not be released to the customer entire;
 - 4) the information shall be managed in a manner to safeguard confidentiality; and
 - 5) the final product shall not reveal any personal identifying information without the informed written consent of the customer entire.
- d) Organizations and individuals not directly involved in the DORS delivery of services shall not have access to confidential information. However, if such organizations or individuals request information from DORS which would be used in the development and planning of their own programs, then the Director may, in his or her discretion, conduct such studies and surveys on their behalf as they request and release the results to them deleting any personal identifying information regarding any customers entire. In determining whether to conduct such studies or surveys, the Director will consider such factors as the time demand on staff in developing responses, any past experience DORS has in working with the organization or individual, and the specific relationship of the study or survey questions to the program being planned. All other aspects

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of the studies or surveys shall be as agreed between parties. DORS may share confidential information on a need-to-know basis with its trainees, interns, counselor aides, and volunteers, who shall be bound by DORS rules concerning confidentiality in the same manner as employees.

e) Confidential information may also be released without consent in the following situations:

- 1) in order to protect the customer client or others when the customer client poses a threat to his/her safety or to the safety of others;
- 2) if required by federal law;
- 3) in response to investigations in connection with law enforcement, fraud or abuse; or
- 4) in response to judicial order, including a subpoena.

f) Information shall be released without consent to the Department of Children and Family Services as detailed below:

- 1) Confidential information shall be released without consent to the Department of Children and Family Services if the employee has reasonable cause to believe a child is or has been neglected or abused, in accordance with the Abused and Neglected Child Reporting Act (4111-Rev.-Stat.-1991r-chr-237, para. 2-251-et-seq.) (325 ILCS 57-et-seq.). "Reasonable cause" means that the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe that a child was abused or neglected.

- 2) For any report made to DORS concerning abused or neglected children, the DORS employee taking the report shall immediately make a verbal report, followed by a written report within 48 hours, regarding any and all information to the Department of Children and Family Services (DCFS) and shall make whatever follow-up reports are required by DCFS.

(Source: Amended at 19. Ill. Reg. _____, effective _____)

Section 505.50 Release of Confidential Information with the Consent of the Customer Client

The customer client, parent of a minor customer client, guardian or representative may request and consent in writing to the release of confidential information to the customer client, parent of a minor customer client, guardian or representative, or other individual, agency or organization. The following rules shall apply to all such releases:

- a) When such a request for release of confidential information to the customer client, parent of a minor customer client, guardian or representative is received, all confidential information contained in the customer's client's file may be inspected and copied with the exceptions as noted below:

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- 1) Information which has been obtained from another individual, agency or organization, and which that unless it is a report of an examination purchased by DORS, may be released only by the providing individual, agency or organization has specifically prohibited DORS from further releasing. as under conditions established by it. In such instances, the customer the client shall be informed of the source of such information in order to access it directly from the originator. should DORS not be permitted to release it.

- 2) Any medical or psychological information not precluded from release by subsection (a)(1) which would be harmful to the customer client, as determined by the counselor, shall be released only to the customer's client's parent, guardian, or representative, or to a physician or licensed or certified psychologist. When releasing such information, DORS shall caution the receiver of the information that it may be harmful to the customer client and that, therefore, the receiver is responsible for the use of the information.

- b) When the customer client, parent of a minor customer client, guardian or representative requests release to another individual, agency or organization, DORS, upon receiving the informed written consent, shall release to such other individual, agency or organization for its program purposes only that information which may be released to the customer client, parent of a minor customer client, guardian or representative, and only to the extent that the other individual, agency or organization demonstrates that the information requested is necessary for its program. Information which is determined to be harmful to the customer client shall be released only when the other agency or organization assures DORS that the information will be used only for the purpose for which it is being provided and will not be further released to the customer client.

(Source: Amended at 19. Ill. Reg. _____, effective _____)

Section 505.60 Procedures

- a) When confidential information is released, the DORS employee releasing it shall place a note on the CASE FOLDER MEMORANDUM stating the name of the person to whom it was given, the date, and the reason for such release. Additionally, the receiver shall be sent a notation from the releasing employee that the information is confidential and may be used only for the purposes for which it is released, and may not be further distributed without the written consent of both DORS and the customer client.

- b) If a person outside DORS properly authorized under this Section merely reads the confidential file, a notation shall be placed in the file stating his or her name, the name of the agency or organization, the

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- date and the reason such reading or disclosure was permitted.
- c) No confidential information shall be released over the telephone to persons outside DORS without the written consent of the customer client or in situations authorized under this Section when no consent is required. In all telephone contacts, including DORS employees, involving the confidential information, a notation shall be made in the CASE FOLDER MEMORANDUM of the release.
- d) The original file may not be removed from the control of DORS, except in compliance with a subpoena or in the discretion of the Director, but may be viewed in the office in compliance with this Section. All other releases requesting or requiring copies shall be provided through photocopies. Except for customers clients, DORS may charge its actual cost for such copies.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 505.70 Subpoenas

- a) When a subpoena for the production of records is received by DORS, the employee receiving it shall release such information in accordance with the requirements and procedures of this Part, and with the terms of the subpoena. A written notice shall accompany the records identifying the removed material and directing the person issuing the subpoena for records to the proper source for release of Section 505.30(a)(1) records or to the customer client for consent for Section 505.80(a) records.

- b) Information which is governed by the following Sections shall be removed before releasing the file, if the release is other than in court:

- 1) Section 505.50(a) which a providing individual, agency or organization refuses to allow DORS to release; or
- 2) Section 505.10(h).

- c) If an employee receives a subpoena to testify in court or in an administrative hearing, the employee shall immediately contact DORS Legal Division to discuss the subpoena. If the subpoena requires a court appearance, the information shall be segregated in the file and the employee shall follow the order of the court after drawing the court's attention to the federal laws and regulations appertaining thereto.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 505.80 Additional Rules

- a) The release by DORS of any clinical, social work, psychological, psychiatric or other information of a mental health or developmental

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disability services nature, including, but not limited to, examination, diagnosis, evaluation, treatment, training, pharmaceuticals, aftercare, habilitation or rehabilitation, shall be governed by the Mental Health and Development of Disabilities Confidentiality Act (411-Rev-Stat:1991-ch-91-1/27-par-801-et seq.) [740 ILCS 110/4] unless requirements of the federal regulations (34 CFR 361.49) are more stringent.

- b) AIDS, ARC, HIV information.
- No person or employee shall disclose or be compelled to disclose the identity of a customer client or of a DORS' student who has been exposed to the human immunodeficiency virus (HIV), the identity of the person upon whom a HIV test is performed or the results of such a test without the written informed consent of the customer client or student, or legally authorized representative, except as permitted by the Illinois AIDS Confidentiality Act (411-Rev-Stat:1991-ch-111-1/27-par-7301-et-seq.) [410 ILCS 305/1].

- c) AIDS information as it relates to DORS' Schools
- 1) A DORS school principal shall only disclose the identity of an HIV infected student:

- A) if notified by a public health authority (e.g., Illinois Department of Public Health, county or city health department) that the student has been exposed to the HIV infection;

- B) if in the principal's judgement it is necessary per the Communicable Disease Prevention Act (411-Rev-Stat:1991-ch-111-1/27-par-22-12a) [410 ILCS 315-2a]; and

- C) if approval to share the information has been obtained through the chain of command to the Associate Deputy Director of the Bureau of Rehabilitation Services, but identifying information may not be disclosed to obtain approval.

- 2) If these conditions are met, the principal shall inform the following:

- A) the superintendent of the DORS' school;
- B) the school nurse;
- C) other persons as shall be necessary in the principal's opinion (e.g., dorm parent, wrestling coach, teacher, whose classes the student is enrolled), as long as the student's identity is not revealed; and
- D) those persons who are required to decide the student's placement or educational program, but only if there is a need to know such information in order to provide the student with medical services, e.g., when a student must take medication during school attendance or when the student's clinical condition necessitates other medical services.

- d) Media Requests. No confidential information requested by the media concerning a customer client shall be released, unless the written

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consent of the customer client, guardian or representative is first obtained.

e) Legislative Requests. Release of Information to State Legislators or Legislative Bodies

1) Only the Director or customer client, guardian or representative can authorize the release of customer client information to the Illinois legislature, committees, commissions or employees thereof; except if:

A) access is authorized by the legislature by resolution or otherwise; or

B) a member of a committee or commission needs such information to advance legislation pending before such committee.

2) Legislators may receive a general status report, not containing confidential information upon request.

3) Auditors with specific legislative authority shall be given access to any and all records necessary for such audit. The auditors shall be prohibited by this Part from any further dissemination of confidential information beyond the scope of the audit, and shall similarly be bound by a statute governing the operation of the Auditor General's Office, and regulations promulgated pursuant thereto. ~~§§11-Rev-Stat-1991-CH-15-PAR-981-1-ET-SEQ-7~~ [310 ILCS 541-1-ET-SEQ-7]; Auditor General Regulation 3:3 11A(1), "Maintenance of Information".

f) All reports made to DORS pursuant to the Domestic Abuse of Disabled Adults Intervention Act (Act) ~~§§11-Rev-Stat-1991-CH-237-PAR-9395-1-ET-SEQ-7~~ (201 ILCS 24351-1-ET-SEQ-7) shall be confidential and may not be released except as follows:

- 1) To DORS employees for the purpose of the Act;
- 2) To law enforcement agencies investigating suspected abuse, neglect or exploitation;
- 3) To the adult disabled person who is the subject of the report;
- 4) To a court for an in camera inspection but only pursuant to a finding that access is necessary;
- 5) To a grand jury if it finds that access is necessary for an issue pending before it;
- 6) To any person authorized by the DORS Director for audit or research purposes;
- 7) To a coroner or medical examiner; or
- 8) To the agency designated pursuant to the Protection and Advocacy for Developmentally Disabled Persons Act ~~§§11-Rev-Stat-1991-CH-91-1-ET-SEQ-7~~ ~~§§11-Rev-Stat-1991-CH-91-1-ET-SEQ-7~~ [405 ILCS 401-1-ET-SEQ-7] and the Protection and Advocacy for Mentally Ill Act ~~§§11-Rev-Stat-1991-CH-91-1-ET-SEQ-7~~ ~~§§11-Rev-Stat-1991-CH-91-1-ET-SEQ-7~~ [405 ILCS 451-1-ET-SEQ-7].

In addition, the identity of the reporter must be kept confidential unless express written consent is received from him/her to release his/her name.

(Source: Amended at 19 Ill. Reg. _____ effective _____)

DEPARTMENT OF REHABILITATION SERVICES

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DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

1) Heading of the Part: Therkelsen/Hansen College Loan Fund

2) Code Citation: 89 Ill. Adm. Code 835

3) Section Numbers: Proposed Action:

835.10	New
835.20	New
835.30	New
835.35	New
835.40	New
835.50	New

4) Statutory Authority: Implementing Sections 3, 5 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, pars. 3434, 3436, and 3444) (20 ILCS 2405/3, 5 and 13).

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being proposed to provide for the management of the Therkelsen/Hansen College Loan Fund. The Therkelsen/Hansen College Loan Fund was established to provide financial assistance to Illinois deaf and hard of hearing individuals in need of aid in paying the expenses at institutions of higher learning.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This is not applicable to this rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
TTY: (217) 785-9301

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If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

13) State reasons for this rulemaking if it was not included in either of the 2 most recent regulatory agendas: This rulemaking was included in the 1995 Regulatory Agenda.

The full text of the Proposed Rule begins on the next page:

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NOTICE OF PROPOSED RULE

NOTICE OF PROPOSED RULE

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 835
THERKELSEN/HANSEN COLLEGE LOAN FUND

Section	Purpose and Management of Fund
835.10	Definitions
835.20	Eligibility for Loan
835.30	Award of the Loan
835.35	Terms of the Loan Agreement
835.40	Use of Funds

AUTHORITY: Implementing Sections 3, 5 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 5 and 13].

SOURCE: Adopted at 19 Ill. Reg. _____, effective _____.

Section 835.10 Purpose and Management of Fund

- The Therkelsen/Hansen College Loan Fund (Fund) is established to provide assistance to Illinois deaf and hard of hearing individuals with a financial need to pay for post-secondary expenses at any institution of higher learning which has a program specifically designed for deaf and hard of hearing students.
- The loan fund is managed through the Illinois School for the Deaf (ISD) by the Therkelsen/Hansen College Loan Fund Committee (Committee) which is established by the Department of Rehabilitation Services (DORS). The Committee shall consist of five individuals. The DORS' Director or his/her designee shall appoint four individuals representing the Illinois State Board of Education, DORS, public schools serving the deaf and hard of hearing, and the deaf community. Their terms shall be for two years and shall not exceed two consecutive terms. The ISD administrator shall serve ex-officio.

Section 835.20 Definitions

For the purpose of this Part, the following terms have the following meanings:

- "Deaf" and "Hard of Hearing" means a diagnosis of a hearing impairment of 30 db or greater in the better ear.
- "Full Time Student" means a student carrying a full study load as determined by the institution he/she is attending or plans to attend.

"Illinois Resident" means a person who shall have resided in Illinois in some capacity other than as a student at a post-secondary educational institution for a period of at least twenty-four continuous months immediately prior to the application for the loan.

"Institution of Higher Learning" means a institution with educational or vocational programs which offer a certificate, associate degree, bachelor's degree, master's degree or any other specialized degree and provides direct communication, instructional programs or support services for the deaf or hard of hearing.

Section 835.30 Eligibility for Loan

- The applicant for a loan from this Fund shall be a graduate of the Illinois School for the Deaf (ISD) or be a deaf or hard of hearing resident of Illinois (as defined in Section 835.20).
- If the applicant is not a graduate of ISD, the following records and/or identification cards shall show proof of Illinois Residency:
 - Illinois high school or college transcript;
 - Illinois driver's license;
 - state identification card;
 - apartment rent agreement, house mortgage statement or property tax bill;
 - Illinois Income Tax form IL-1040; or
 - hospital, doctor or clinic record.
- A person who reapplies for a second, third or fourth loan must continue to meet the Illinois residency requirement and shall have achieved a "C" average (2.0 on a 4.0 point scale).
- Successful applicants shall be registered as full-time students.
- The applicant will be required to give permission to the Committee to make inquiries and obtain information so that the information on the application may be verified by the Committee.

Section 835.35 Award of the Loan

- In awarding the loan, the Committee shall consider the amount of funds available, the applicant's stated financial need supplied in the Loan Application, the applicant's available financial resources and the total number of applicants.
- When all eligibility criteria are met and funds are not available to cover all requests, an applicant from an undergraduate program shall receive priority over a student from a graduate program.

Section 835.40 Terms of the Loan Agreement

- The minimum yearly amount of a loan shall be \$500 and the maximum yearly amount shall be \$4,000, and the maximum amount that can be borrowed over four years shall be \$16,000.

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- b) The interest rate for each loan shall be assigned at the time the original loan is made and shall remain fixed at that rate for all successive loans for that student.
- c) A student shall receive only one loan per calendar year up to a maximum of four years, but the four years need not be consecutive.
- d) Interest shall begin accruing and repayment of the loan shall begin six months after:
- 1) graduation,
 - 2) the student ceases to be a full-time student, or
 - 3) the expiration of the four years of eligibility, whichever comes first.
- Payment of the principal, but not the interest, may be deferred if the individual continues his/her undergraduate program or enters graduate school.
- e) Repayment of the loan will follow a payment schedule as established by the Committee based on the ability to repay, employment and earnings. The maximum time period that will be allowed to repay a loan is ten years. The minimum monthly repayment is \$50.00.
- f) The loan may be paid off prior to the time it is due without penalty.
- g) The loan will be forgiven if the individual who received the loan dies or becomes further disabled in a way that permanently interferes with employment or the ability to repay. Repayment of the loan may be deferred if the individual incurs temporary disability that interferes with employment of the ability to repay until the temporary disability ceases.
- h) Legal or other collection action shall be taken against individuals judged by the Committee capable of making reasonable monthly payments based upon employment, earnings and other debts, but not making payments in accord with the loan agreement.

Section 835.50 Use of Funds

- a) Loan funds can only be used to pay tuition, fees, books, specialized educational equipment and room and board, and when approved by the Committee, costs of transportation and specific living expenses necessary for completion of the educational program.
- b) Loan funds will be sent directly to the institution of higher learning. If it is not possible to make direct payment to the institution, a receipt for expenses shall be required from the student before payment is issued. An advance of funds may be provided if the student can show financial hardship, need for the expense, and a reasonable estimate of the cost.

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers: Proposed Action:
1030.60 Amendment
1030.98 New Section
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being proposed to implement Public Act 88-612, establish rules and regulations for the issuance of a restricted commercial driver's license for school bus operation only, and amend the Section which provides for third party certification.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this rulemaking contain incorporations by reference? No.
- 9) Are there any other proposed rulemakings pending on this part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:
- Mark A. Nowak
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
(217) 825-3156
- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

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- 13) State reasons for this rulemaking if it was not included in either of the 2 most recent regulatory agendas:

The full text of the Proposed Amendment begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

Section	What Persons Shall Not be Licensed or Granted Permits
1030.10	Procedure for Obtaining a Driver's License
1030.11	Driver's License Medical Advisory Board
1030.12	Denial of License or Permit
1030.13	Cite for Re-examination
1030.15	Errors in Issuance of Driver's License/Cancellation
1030.17	Classification of Drivers-References
1030.20	Classification Standards
1030.30	Fifth Wheel Equipped Trucks
1030.40	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.50	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.55	Third-Party Certification Program
1030.60	Religious Exemption for Social Security Numbers
1030.63	Instruction Permits
1030.65	Driver's License Testing/Vision Screening
1030.70	Driver's License Testing/Vision Screening with Vision Aid
1030.75	Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing, Written Test
1030.81	Endorsements
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts/Road Test
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement For Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Diplomatic and Consular Licenses
1030.96	Restricted Commercial Driver's License
1030.97	Invalidation of a Driver's License or Permit
1030.98	School Bus Commercial Driver's License
1030.99	Anatomical Gift Donor
1030.100	Emergency Medical Information Card
1030.110	Change-of-Address
1030.115	Issuance of a Probationary License
1030.120	Grounds for Cancellation of a Probationary License
1030.130	Questions Asked of a Driver's License Applicant
APPENDIX A	

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transport 16 or more persons, including the driver.

"Restriction" - requirement or condition first added to a driver's license which must first be met by the license holder before he/she may legally operate a motor vehicle.

"Safety Officer" - any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to conduct the skills test and to determine for certification purposes that a driver applicant has been tested and meets the same qualifications required by the Secretary of State.

"Secretary of State" - Illinois Secretary of State.

"Third-Party Certification License" - a license issued by the Secretary of State to conduct a qualified third-party certification program, pursuant to Section 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-508]. ~~§§11-Rev-Stat-1987, ch-95-1727, par-6-508~~

"Third-Party Certification Program" - a program designed by the Secretary of State allowing third-party entities to provide to employees and candidates for employment or by membership members a qualified training program of classroom and/or behind-the-wheel behind-the-wheel-and-or-classroom testing for the purpose of certifying to the Secretary of State that a driver applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test pursuant to Section 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-508]. ~~§§11-Rev-Stat-1987, ch-95-1727, par-6-508~~

"Third-Party Certifying Entity" - any third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Training Vehicle" - a motor vehicle registered and insured by a licensed Commercial Driver Training School in accordance with Section 6-410 of the Illinois Vehicle Code [625 ILCS 5/6-410] and 92 Ill. Adm. Code 1060.110(d)(7) and used for the sole purpose of training and testing.

b) The Secretary of State shall not require an actual demonstration of the ability of the driver applicant to operate and exercise ordinary and reasonable control of a motor vehicle for purposes of third-party certification programs, if the third-party certifying entity complies with the following requirements:

1) License Required. - No person, firm, association, partnership or

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corporation shall operate a third-party certification program, unless a license has been issued by the Secretary of State.

2) Certify Only Employees or Members. - A third-party certifying entity shall certify only those driver applicants who are employed and on the payroll of the entity, or are members at the time of certification.

3) An entity may test and certify individuals who are not employees or members provided the entities meet the following conditions: ~~Require instruction permit before a driver applicant may be certified by a third-party certifying entity, the driver applicant must first obtain an instruction permit from the Secretary of State for the specific vehicle classification in which they intend to be licensed, if not previously licensed in a classification representative of the vehicle the applicant intends to drive.~~

A) The entity must own or lease at least seven (7) training vehicles in the classification in which they skills test.

B) The entity must maintain at least seven (7) licensed safety officers who must skills test a minimum of twelve (12) employees or candidates for employment or membership within a 12-month period.

C) In the event the entity is a driving school, the instructor who gives the preponderance of training to a driver applicant cannot administer the skills test to the driver applicant.

D) The driver applicant must be a candidate for employment and be eligible to be employed by the third-party entity upon successfully completing and passing all of the requirements of the third-party certification program and obtaining a CDL.

E) The third party certifying entity must employ seventy-five percent (75%) of those driver applicants who successfully complete the third-party certification program and obtain a CDL.

F) Any applicant for certification as a third party tester may submit with its application a request for a waiver of the requirement that the third party tester employ a minimum of 75% of those tested. Such request shall include the following:

- i) Number of drivers employed by the applicant.
- ii) Distance from the department's nearest driver examination point.
- iii) Estimated number of employees per year who will require CDL skills testing.
- iv) Provide additional information to support waiver request.
- v) The Department will consider the request and notify the applicant in writing of its decision after

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- reviewing and evaluating the application.
- G) Any fees due from individuals tested may not be accepted by the entity until after sixty (60) days after successful completion of the training program, or the individual is no longer employed by the entity or has declined the offer of employment.
- H) The entity must have a training program that meets the requirements contained in 49 CFR 383.110-121.
- i) The entity must submit a copy of its training program to the Secretary of State for approval.
 - ii) The entity must follow the approved training course and maintain its training records for four (4) years.
- I) The entity must provide copies of contract forms between the entity and individuals tested to the Secretary of State.
- J) The entity must have a minimum of 300 square feet of classroom space.
- K) Any third-party entity testing individuals who are not employees or members will have a sample percentage of certified driver applicants reexamined annually in accordance with 49 CFR 383.75(a)(2)(iv).

c) Issuance and Renewal of Licenses

- 1) When an application is submitted for an original third-party certification license, or safety officer license, the applicant or applicants shall not conduct any business as a third-party certifying entity or safety officer until a license is issued by the Secretary of State pursuant to the requirements contained in subsections (d) and (i).
- 2) When an application is made for the renewal of an existing third-party certification license or a safety officer license, the applicant shall have the authority to continue to conduct business as a third-party certifying entity or a safety officer until the renewal application is granted or denied by the Department, provided the application has been filed in a timely manner as provided in subsection (f)(4) of this Section. The application for said license shall be made in the same manner as an application for a original third-party certification license or safety officer license.
- 3) Licenses may not be assigned. No individual, partnership, association, or corporation may sell, assign, barter or trade a third-party certification license or safety officer license issued by the Secretary of State.
- 4) The Secretary may allow entities, otherwise ineligible to be licensed as a third-party certifying entity, to conduct a third-party certification program on a trial basis, not to exceed one year. At the close of the trial period, the Secretary will determine whether the entities participating in the pilot program shall be granted third-party certification entity status under this Rule.

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- d) Requirements - Third-Party Certification Entities
- 1) The entity shall have at least one employee who is licensed or qualified to be licensed as a safety officer for the third-party certification program. Entities certifying non-members or non-employees must employ seven (7) licensed safety officers as provided in subsection (b)(3)(B).
 - 2) The entity shall have a regularly established place of business in the State of Illinois and operate or have access to appropriate vehicles, with the exception of employers having a regular place of business in a contiguous state, e.g. Indiana, Missouri, Wisconsin, Iowa and Kentucky. Any entity having their headquarters in a border state and wishing to participate in the third-party certification program, shall have an appointed agent, for purposes of this program, who is licensed as a safety officer and holds a valid Illinois driver's license or a CDL issued by a contiguous state.
 - 3) The entity shall submit to the Department a copy of any subcontract of services described in this Part.
 - 4) The entity shall have a prescribed physical driving course for each location and be required to meet a driving skills test with the same minimum standards as the course used for examination by the Secretary of State (92 Ill. Adm. Code 1030.85).
 - 5) The entity shall have access to a properly registered motor vehicle which meets the definition of the vehicle group of the classification that the driver applicant operates or expects to operate. Entities certifying non-members or non-employees must maintain at least seven (7) owned or leased training vehicles as provided in subsection (b)(3)(A).
 - 6) The entity shall provide the driver applicant, who takes and passes the skills tests, with documented proof (Secretary of State's driver test form) of the same, which shall evidence to the Department that the individual has successfully passed the skills tests administered by the third-party certifying entity.
 - 7) The entity shall collectively submit completed application forms to the Department for each main office, branch office and safety officer.
 - 8) The entity shall have and use a business telephone listing for all business purposes.
 - 9) If a licensed safety officer is temporarily suspended, laid-off or discharged by a third-party certifying entity, the entity shall immediately notify the Secretary of State, on forms furnished by the Secretary of State, of the name, address and license number of the safety officer, such officer's termination date and reason for termination. In all cases where a safety officer has ceased working for the third-party certifying entity, the safety officer must surrender his/her license to the Secretary of State.
 - 10) Facility

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A) The established place of business of each third-party certifying entity must consist of at least the following permanent facilities:

- i) an office facility;
- ii) appropriate space (an area at least 15 feet wide by 100 feet long) to conduct all basic control skills tests (92 Ill. Adm. Code 1030.85).

B) A third-party certifying entity which has an established place of business may operate a branch facility provided the branch facility meets all requirements of the main facility (subsections (d)(10)(A) and (d)(10)(D)).

C) Upon receipt by the Secretary of State of written request to open a branch facility, an authorized representative of the Secretary of State shall inspect the branch facility and, if it complies with the provisions of this rule, shall issue the appropriate license which must be displayed in a visibly prominent place in the branch facility.

D) Location must comply with public health and safety standards contained in the Public Building Egress Act [415 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25] ~~and the~~ ~~1987, ch. 111, § 27, par. 3501-3710.~~

11) Records - All third-party certifying entities licensed by the Secretary of State must maintain a record showing the name and address of each driver certified by the entity, the instruction permit or driver's license number of every driver certified, and the results of the final skills test, including endorsements, given to each driver applicant, the name of the safety officer who administered the skills test and the license plate number of the vehicle used to conduct the test.

A) All records must be maintained for a period of four (4) years.

B) Proof of eligibility for certification and final skills tests results for each driver applicant must be kept at the location where the road test was given.

12) Auditing - CDL Driving Skills Test

A) All third-party certifying entities must allow the Secretary of State, the Federal Highway Administration or its representatives, to conduct random examinations, inspections, and audits without prior notice pursuant to 49 CFR 385.75.

B) All third-party certifying entities must allow the Secretary of State to conduct on-site inspections at least annually.

C) The Secretary of State or his designee shall annually re-examine a sample percentage of the certified driver applicants to compare pass/fail results.

- i) If the results of the random examination reflect a failure rate greater than the current Secretary of

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State's acceptable failure rate, the third party entity will be notified in writing of the need to retrain the failed applicants.

- ii) The retraining must be completed within 30 days at which time the trainee must be referred to the Secretary of State to be skills tested.

iii) The Commercial Driver Training School section will determine the location and time of the Secretary of State retests.

13) Display of Licenses - Each third-party certifying entity shall display in a prominent place at the established place of business the following:

- A) The state license issued to the third-party certifying entity; and
- B) Safety officer licenses of all safety officers employed by the third-party certifying entity.

e) Skills Tests

1) Any CDL skills tests administered by the third-party certifying entity must be conducted as specified in Subparts G and H of 49 CFR Section 383.

2) Driving Skills - The entity shall have a prescribed physical driving course for each location and must be required to administer a skills test with the same minimum standards as that which would be given by the Secretary of State. (92 Ill. Adm. Code 1030.85.) ~~The entity shall test and the driver-applicant shall demonstrate skills including, but not limited to:~~

- A) basic control;
- B) shifting;
- C) backing;
- B) speed management; and
- E) space management;

3) Pre-trip inspection skills - Where applicable, the entity shall test and the driver applicant shall demonstrate skills necessary to conduct a pre-trip inspection, which include the ability to:

- A) locate and verbally identify air brake operating controls and monitoring devices;
- B) determine the motor vehicle's brake system condition for proper adjustments and that the air system connections between vehicles have been properly made and secured;
- C) inspect low pressure warning device(s) to ensure they will activate in emergency situations;
- D) ascertain with the engine running, that the system contains an adequate supply of compressed air;
- E) determine that the required minimum air pressure build up at the time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and

F) operationally check the brake system for proper performance.

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- 4) Restrictions and/or Endorsements - Third-party certification entities conducting road tests for restrictions and/or passenger endorsements must meet a skills test with the same minimum standards as an exam offered by the Secretary of State for the restriction and/or endorsement. (92 Ill. Adm. Code 1030.92.)
- 5) Third-party certifying entities conducting road tests for motorcycle and non-CDL classifications are not bound by points 1) through 4) above, but instead must meet a driving skills test which shall be prescribed by the Secretary of State for these classifications and judged by the same minimum standards. (92 Ill. Adm. Code 1030.85.)
- A) Motorcycle skills tests must include at least the following:
- i) basic vehicle control skills;
 - ii) safe driving skills;
 - iii) visual search;
 - iv) speed and space management; and
 - v) mounting and dismounting.
- B) Non-CDL skills tests must include at least the following:
- i) basic vehicle operation;
 - ii) safe driving skills;
 - iii) speed and attention;
 - iv) lane and right of way observance;
 - v) obeying traffic control devices;
 - vi) use of special equipment.
- 6) Require Instruction Permit - Before a driver applicant may be certified by a third-party certifying entity, the driver applicant must first obtain an instruction permit from the Secretary of State for the specific vehicle classification in which they intend to be licensed, if not previously licensed in a classification representative of the vehicle the applicant intends to drive.
- f) Issuance and Renewal of Third-Party Certifying Entity Licenses
- 1) Issuance of Licenses to Third-Party Certifying Entity - The Secretary of State shall issue a license to conduct a third-party certification program when the Secretary of State is satisfied that the entity applying for a third-party certification license has met the requirements under this Rule.
 - 2) Expiration of Licenses - All outstanding licenses issued to any third-party certifying entity shall expire three (3) years from the date the license was issued unless sooner canceled, suspended, or revoked under the provisions of subsection (g).
 - 3) Renewal of Licenses - The license of each third-party certifying entity may be renewed subject to the same conditions as the original license.
 - 4) Licenses - Form and Filing - All applicants for renewal of a license shall be on a form prescribed by the Secretary of State and must be filed with the Secretary not less than thirty (30) days preceding the expiration date of the license to

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be renewed.

- g) Denial, Cancellation, Suspension, and Revocation of Third-Party Certifying Entity Licenses
- 1) The Secretary of State shall deny an application for a third-party certifying entity license or renewal:
 - A) to any entity that submits a fraudulent application.
 - B) to any entity that is also currently the owner of a Commercial Driver Training School.
 - BE) to any entity that currently employs individuals, also employed by the Secretary of State.
 - CB) to any entity that owes outstanding fees to the Secretary of State.
 - DE) to any third-party certifying entity that lacks a safety officer.
 - EF) to any third-party certifying entity that fails to meet location standards:
 - i) fails to comply with public health and safety standards contained in the Public Building Egress Act [45 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25];
 - iii) Rev: Stat: 1987, ch. 111, § 2, par. 3503-3718.
 - ii) fails to have a telephone that registers to the third-party certification entity.
 - 2) The Secretary of State shall cancel a third-party certifying entity license for failing to correct after being served written notice, giving five (5) business days to correct, any violation of the following regulations and laws governing third-party entities:
 - 7-following-a-written-warning-and-a-ten-day-notice-period-upon-evidence-that:
 - A) the entity submitted a fraudulent application;
 - B) the entity or subcontractor is also currently the owner of a Commercial Driver Training School;
 - AE) the entity employs individuals, also employed by the Secretary of State.
 - BB) the entity owes outstanding fees to the Secretary of State.
 - CB) the third-party certifying entity lacks a safety officer.
 - DE) the third-party certifying entity fails to meet location standards:
 - i) fails to comply with public health and safety standards contained in the Public Building Egress Act [45 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25];
 - iii) Rev: Stat: 1987, ch. 111, § 2, par. 3503-3718.
 - ii) fails to have a telephone that registers to the third-party certification entity.
 - 3) The Secretary of State shall suspend a third-party certifying

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entity's license up to one (1) year depending upon the severity of the infraction, for three (3) months, following a written warning, and a ten (10) day notice period, upon evidence of the following:

- A) improper record keeping in violation of subsection (d)(1)(1)(9) of the
- B) failure to produce records upon demand of the auditing agency.
- C) repeated failures by the entity's certified driver applicants to pass skills tests upon re-examination pursuant to subsections (d)(12) and (c) of this Section.
- D) if it is discovered the entity is certifying applicants who have not obtained instruction permits and have not been previously licensed in a classification representative of the vehicle the applicant intends to drive.
- E) any violation of this Part.

- 4) The Secretary of State shall suspend a third party certifying entity's license following a written warning and a ten (10) day notice period if it is discovered the entity is certifying applicants who have not obtained instruction permits and have not been previously licensed in a classification representative of the vehicle the applicant intends to drive. The length of the suspension shall be three (3) months. The second incident within two years shall result in a six (6) month suspension. The third incident shall result in revocation of the license. The Secretary of State shall revoke the third party certifying entity's license upon evidence of the following:
 - A) the entity submitted a fraudulent application.
 - B) if the entity engages in or permits any type of fraudulent activity, either with reference to any certified individual or the Secretary of State.

- 5) The Secretary of State shall suspend the third party certifying entity's license for the first incident of fraud which includes but is not limited to certifying persons not eligible for the suspension shall be for three (3) months. A second incident within two (2) years shall result in revocation of the license.

h) Issuance and Renewal of Safety Officer License

- 1) Issuance of Licenses to Safety Officers - The Secretary of State shall issue a license to each safety officer when the Secretary of State is satisfied that such person has met the qualifications required under this Rule. Each third party certification safety officer license shall authorize the licensee to test for only the employer indicated on the license, except when the safety officer is employed by the entity providing contractual services to the third party certification entity or the safety officer is employed by both a governmental and private entity.

- 2) An individual may be issued two (2) safety officer licenses in the following combinations:

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- A) as a safety officer for two (2) governmental agencies, or
- B) as a safety officer for a private entity and a governmental agency.

32) Expiration of Licenses - All outstanding licenses issued to any safety officer shall expire on the date the third party entity license expires three (3) years from the date the license was issued, unless sooner canceled, suspended, or revoked under the provisions of subsection (i).

43) Renewal of Licenses - The license of each safety officer may be renewed subject to the same conditions as the original license.

54) Licenses - Form and Filing - All applications for renewal of a safety officer license shall be on a form prescribed by the Secretary of State and must be filed with the Secretary not less than thirty (30) sixty (60) days preceding the expiration date of the license to be renewed.

i) Safety Officer

1) Requirements. The Secretary of State shall not issue a safety officer license:

- A) unless the safety officer applicant is 21 years of age, is older and holds a valid Illinois driver's license or a CBS order from a contiguous state;
- B) if the applicant fails to properly make application for such license, unless the safety officer applicant is a physically able to safely operate a motor vehicle and to test others in the safe operation of motor vehicles; fire not eligible for licensing under Section 6-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code; (111c Rev. Stat. 1987, ch. 95-1727, par. 6-103) and (192-111c-Adm. Code 1030-107)

C) if the applicant submits a fraudulent application.

D) if the applicant owes outstanding fees to the Secretary of State.

E) if the applicant's driver's license is currently canceled, suspended or revoked.

Fe) unless the safety officer applicant is employed by a third party certifying entity.

GB) unless the safety officer applicant has, for at least two (2) years immediately preceding application, a valid driver's license in the specific classification in which he/she intends to test and, if intending to skills test school bus permit applicants, a current, valid school bus driver permit. He intends to test or the equivalent under the classification system prior to April 1, 1998.

H) to any person intending to skills test CDL driver applicants or school bus permit applicants who:

- i) has not completed the third party CDL training session administered by the Secretary of State Commercial Drivers Training section. The written test will

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consist of 30 questions pertaining to Secretary of State Examiners Guide for CDL and will be offered by the department at periodic intervals. In order to pass the written test an individual shall answer at least 24 questions correctly. The third party school bus program will have an additional 10 questions and the individual must answer 8 questions correctly in order to pass.

ii) has not passed a CDL skills examination in the classification and/or endorsements in which they intend to skills test. The department will offer this examination at periodic intervals. Each applicant will be given a maximum of three (3) opportunities in a twelve month period to pass the commercial driver's license safety officer examination. An applicant for a commercial driver's license safety officer may be allowed to attempt the road test a second time in the same day during normal business hours of the Driver Services facility if he/she fails the first attempt to pass the road test. However, if the applicant demonstrates a danger to the public safety during his/her first attempt to pass a road test, he/she will not be allowed to make a second or subsequent attempt during the same day. An applicant will not be allowed to make a third attempt to pass a road test on the same day in which he/she failed the previous attempt. Individuals who have failed their third examination must wait at least one (1) year from the date of the third failure before making a new application.

I)B) to any person whose driver's license has been suspended or revoked, within a period of five (5) years of the date of application.

J)B) to any person who fails to properly make application for such safety officer's license or otherwise indicates that he/she is unqualified to receive such a license.

K)B) to any person who is currently a salaried employee of the Secretary of State.

H) to any person intending to take a skills test as a driver applicant unless the safety officer applicant has received training equivalent to that given to the Secretary of State examiners administering CBB driving skills test. The applicant does not meet the requirements provided in subsection (i)(1)(H) of this Section.

M) to any applicant who does not hold a valid Illinois driver's license or a driver's license from a contiguous state in the classification and/or endorsement in which he/she intends to skills test.

N) to any applicant who has been convicted of driving while

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under the influence of alcohol, other drugs, or a combination thereof.

O)B) to any individual who has failed to comply with the provisions of these Rules.

2) Denial of License. The Secretary of State shall deny a safety officer's license upon evidence that:

A) the applicant has been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof; leaving the scene of an accident; and reckless homicide or reckless driving, or is suspended under Section 6-206(a)(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code or Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code within 5 years prior to the date of application.

B) the applicant fails to properly make application for such license.

C) the applicant is not employed by a third-party certifying entity.

D) the applicant is currently a salaried employee of the Secretary of State.

E) the applicant is not at least 21 years of age and holds a valid Illinois driver's license or a CBB from a contiguous state.

F) the applicant submits a fraudulent application.

G) the applicant is currently employed by a commercial driver training school.

G)H) the applicant owes outstanding fees to the Secretary of State.

I)B) the applicant is physically unable to operate a motor vehicle within the classification for which they intend to test (they are not eligible for licensing under Section 6-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95, 1-2, par. 6-103) and (92 Ill. Adm. Code 1240-10.1).

H)B) the applicant's driver's license is currently canceled, suspended or revoked.

I)B) the applicant's driver's license has been suspended or revoked within a period of five (5) years of the date of application. However, suspensions related to auto emissions and parking are exempt from the five year period after the suspension is terminated.

J)B) the applicant has not held, for at least two (2) years immediately preceding application, a valid license in the classification and/or endorsement in which he intends to test or the equivalent under the classification system prior to April 1, 1990.

K)B) the applicant does not meet the requirements provided in subsection (i)(1)(H) of this Section, the applicant intends

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to skills test-EBB-driver-applicants-but-has-not-received training-equivalent-to-that-given-to-Secretary-of-State examiners-administering-EBB-driving-skills-tests.

- L) the applicant does not hold a valid Illinois driver's license or a driver's license from a contiguous state in the classification and/or endorsement in which he/she intends to skills test.

- 3) The Secretary of State shall immediately cancel a safety officer's license upon evidence that:

A) the individual's driver's license is currently canceled, suspended or revoked.

B) the individual's driver's license has been suspended or revoked within a period of five (5) years of the date of application. However, suspensions related to auto emissions and parking are exempt from the five year period after the suspension is terminated.

C) the individual has not held, for at least two (2) years immediately preceding application, a valid license in the classification in which he intends to test or the equivalent under the classification system prior to April 1, 1990, unless it is a CDL classification or endorsement.

D) the individual intends to skills test CDL driver applicants, but has not received training equivalent to that given to Secretary of State examiners administering CDL driving skills tests.

E) the individual is no longer employed by the third-party certification entity or no longer has a valid license.

F) the individual is currently a salaried employee of the Secretary of State.

G) the individual owes outstanding fees to the Secretary of State.

H) the individual fails to administer a minimum of twelve (12) skills tests to candidates for employment or membership as required in subsection (b)(3)(B) of this Section.

- 3) the Secretary of State shall cancel a safety officer's license following a written warning including a ten (10) day notice upon evidence that:

A) the individual has been convicted of driving while under the influence of alcohol or other drugs or a combination thereof leaving the scene of an accident, and reckless homicide or reckless driving or is suspended under Sections 6-206(a)(3) or 6-206(b)(3) of the Illinois Vehicle Code within 5 years prior to the date of application.

B) the individual fails to properly make application for such license.

C) the individual is not employed by a third party certifying entity.

B) the individual is currently a salaried employee of the

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B) the individual is not at least 21 years of age.
F) the individual submits a fraudulent application.
G) the individual is currently employed by a Commercial Driver Training School.
H) the individual owes outstanding fees to the Secretary of State.

I) the individual is physically unable to operate a motor vehicle within the classification for which they intend to test (i.e., not eligible for licensing under Section 6-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (415 Rev. Stat. 1987, Ch. 95-1/2, par. 6-103) and 92 Ill. Admin. Code 1030-10)).

J) the individual's driver's license is currently canceled, suspended or revoked.

K) the individual's driver's license has been suspended or revoked within a period of five (5) years of the date of application. However, suspensions related to auto emissions and parking are exempt from the five year period after the suspension is terminated.

L) the individual has not held, for at least two (2) years immediately preceding application, a valid license in the classification in which he intends to test or the equivalent under the classification system prior to April 1, 1990, unless it is a CDL classification or endorsement.

M) the individual intends to skills test EBB-driver-applicants but has not received training equivalent to that given to Secretary of State examiners administering EBB-driving skills tests.

N) the Secretary of State shall cancel a safety officer's license immediately upon receiving notification that the safety officer is no longer employed by the third party certification entity or no longer has a valid license.

4) The Secretary of State shall suspend a safety officer's license following a written warning and a ten (10) day notice period.

A) if it is discovered the safety officer is certifying applicants who have not obtained instruction permits, the length of the suspension shall be three (3) months. The second incident within two (2) years shall result in a six (6) month suspension and the third incident shall result in revocation of the license.

B) improper record keeping in violation of subsection (b)(11) of this Part; and

C) upon any violation of this Part.

5) The Secretary of State shall revoke a safety officer's license upon receipt of evidence that: The Secretary of State shall suspend immediately a safety officer's license for the first

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Secretary of State in canceling, suspending, revoking or denying any license under this Act shall be subject to judicial review in the Circuit Court of Sangamon County or the Circuit Court of Cook County, pursuant to Section 2-118 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-118] ~~Rev. Stat. 1987, ch. 95, par. 2-118~~ and the provisions of the Administrative Review Law [735 ILCS 5/Art. 3]. ~~Rev. Stat. 1987, ch. 110, par. 3-101 et seq.~~ All the provisions and modifications thereto, and all the rules adopted thereto, are hereby adopted and shall apply to and govern every action for judicial review of the final acts or decisions of the Secretary of State under this Section.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1030.98 School Bus Commercial Driver's License

a) For purposes of this Part, the following definitions shall apply:

"Cancellation" - the without prejudice annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Sections 1-110 of the Illinois Vehicle Code and 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-110 and 6-201].

"Commercial Driver's License (CDL)" - a driver's license issued by a state to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles [625 ILCS 5/6-500(3)].

"Commercial Driver's License Information System (CDLIS)" - the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearing house for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Motor Vehicle" - a motor vehicle, except those referred to in Section 6-500(6)(d) of the Illinois Vehicle Code, designed to transport passengers or property if: (a) the vehicle has a GVWR of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations or the Secretary of State; or any combination of vehicles with a GVWR of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or (b) the vehicle is designed to transport 16 or more persons; or (c) the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, subpart F.

"Conviction" - an unvacated adjudication of guilt or a determination

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~~incident--of--fraud--which--includes--but--is--not--limited--to certifying a person not eligible--the suspension--shall--be--for three--(3)--months--A--second--incident--of--fraud--within--two--(2)--years--shall--result--in--revocation--of--the--license--~~

A) the individual has been convicted of driving under the influence of alcohol, other drugs, or a combination thereof, leaving the scene of an accident; and reckless homicide or reckless driving, or is suspended under Sections 6-206(a)(3) or 11-501.1 of the Illinois Vehicle Code within 5 years prior to the date of application.

B) the individual submits a fraudulent application.

C) the individual engages in or permits any type of fraudulent activity, either with reference to a student or the Secretary of State, which includes but is not limited to certifying a person not eligible.

6) The Secretary of State shall have the discretionary authority to issue warning letters to third-party certifying entities or safety officers for violations of the regulations and laws governing commercial driver training schools as found in this Part and Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

1) Hearings

1) Prior to the denial of a third-party entity and/or safety officer's license, the Department shall send written notice to that person and/or entity. If a formal hearing is requested, the request must be in writing during the notice period. The basis for denial of a license is stated in this Section.

2) Prior to the suspension or revocation of the license or accreditation of a third-party certifying entity or safety officer, the Department will conduct a hearing in accordance with 92 Ill. Adm. Code 1001, Subpart A and Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118], wherein the Department will present competent evidence to establish violations of any regulations or laws governing third party entities and/or safety officers and seek the appropriate sanctions in accordance with this Section.

4) Hearings--Prior to the suspension, revocation, cancellation or denial of the license of a third-party certifying entity or safety officer, the Department shall give fifteen (15) days' written notice to such entity or person. The sanction shall be effective on the 15th day. If a formal hearing is requested in writing during the notice period, in accordance with 92 Ill. Adm. Code 1001, Subpart A and Section 2-118 of the Illinois Vehicle Code and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-118], wherein the Department will present competent evidence to establish violations of any regulations or laws governing third party entities and/or safety officers and seek the appropriate sanctions in accordance with this Section.

k) Review Under Administrative Law. Judicial Review - The action of the

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that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated.

"Disqualification" - a withdrawal of the privilege to drive a commercial motor vehicle.

"Felony" - an offense under State or Federal law that is punishable by death or imprisonment for a term of one year or more.

"Gross Vehicle Weight Rating (GVWR)" - the value specified by the manufacturer as the maximum loaded weight of a single or a combination of vehicle(s), or the registered gross weight, whichever is greater. The GVWR of a combination of vehicles (commonly referred to as the Gross Combination Weight Rating (GCWR)) is the GVWR of the power unit plus the GVWR of the towed unit(s), or the combined registered weight of the power unit plus towed unit(s), whichever is greater.

"School Bus" - (a) every motor vehicle, except as provided in paragraph (b) below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled in any such entity as students in Grade 12 or below in connection with any activity of the entity: a school operated by a religious institution or a public or private nursery, pre-school, primary or secondary school; (b) the definition of (a) above does not include the following: (1) A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is on a regularly scheduled route for the transportation of other fare paying passengers or furnishing charter service for the transportation of groups on field trips or other special trips or in connection with special events or for shuttle service between attendance centers or other educational facilities and not over a regular or customary school bus route. (2) A religious organization bus as defined in Section 1-182 of the Illinois Vehicle Code [625 ILCS 5/1-182]. (3) A motor vehicle designed for carrying not more than nine passengers which is not registered as a school bus under Section 3-808 of the Illinois Vehicle Code [625 ILCS 5/3-808].

"School Bus Commercial Driver Instruction Permit (School Bus CDIP)" - an instruction permit, with a "J48" restriction, which limits CMV operation to a school bus only, as defined in this Part.

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"School Bus Commercial Driver's License (School Bus CDL)" - a commercial driver's license with a "J48" restriction which limits CMV operation to a school bus only as defined in this Part.

"School Bus CDL Restriction" - a "J48" restriction placed on a commercial driver's license or school bus commercial driver instruction permit which limits commercial motor vehicle operation to a school bus only, within classification, valid only when accompanied by a valid Illinois school bus permit.

"Serious Traffic Violation" - notwithstanding convictions, which in and of themselves result in the immediate suspension or revocation of a driver's license and privilege, the following offenses or a similar violation of a law or local ordinance of any state relating to motor vehicle traffic control shall be considered a serious traffic violation: a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or a violation of Section 6-104(d) of the Illinois Vehicle Code [625 ILCS 5/6-104(d)] relating to the possession of a valid school bus driver permit; or a violation of the speed limit in school zone as defined in Section 11-605 of the Illinois Vehicle Code [625 ILCS 5/11-605]; or a violation of passing a stopped school bus as defined in Section 11-144 of the Illinois Vehicle Code [625 ILCS 5/11-144]; or failure to stop at railroad crossing as defined in Section 11-1202 of the Illinois Vehicle Code [625 ILCS 5/11-1202]; or a violation relating to improper or erratic lane changes; or a violation relating to following another vehicle too closely; or any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines pursuant to 92 Ill. Adm. Code 1040.20.

"State" - a state or territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada [625 ILCS 5/1-195].

"Third Party Tester" - an entity that has been approved by the Secretary.

b) In order to be eligible for a school bus commercial driver's license the applicant must:

- 1) be eligible and have applied for an Illinois school bus permit pursuant to Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1] and 92 Ill. Adm. Code 1035;
- 2) pass a written school bus core knowledge and passenger endorsement written tests;
- 3) pass the skills test in a representative vehicle.

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- c) In order to be eligible for a school bus commercial driver instruction permit the applicant must pass the written school bus core knowledge test.
- d) The Secretary of State shall issue a school bus CDIP in accordance with 92 Ill. Adm. Code 1030.65 and Section 6-105 of the Illinois Vehicle Code [625 ILCS 5/6-105].
- e) The Secretary of State shall deny issuance of a school bus CDL and/or school bus CDIP:
- 1) for failure to meet the qualification standards contained in Section 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-508];
 - 2) for failure to meet any eligibility requirements contained in this Section.
- f) Prior to the issuance of a school bus CDL and school bus CDIP, the Secretary of State shall perform a records check through the Commercial Driver's License Information System (CDLIS) and enter each school bus CDL holder's record into CDLIS [625 ILCS 5/6-513].
- g) A persons applying for and operating on a school bus CDIP shall be exempt from obtaining and holding an Illinois bus driver permit, but must be accompanied by an individual holding the proper license classification and a school bus driver permit.
- h) All drivers issued a school bus commercial driver's license shall have their commercial motor vehicle operation limited to a school bus, but may operate non-commercial motor vehicles with classification or of a lesser classification.
- i) A driver with a school bus CDL issued under this Section shall have on his/her driver's license a Type "J48" restriction and a "P" endorsement.
- j) A school bus CDL shall expire in accordance with the provisions of Section 6-115 of the Illinois Vehicle Code [625 ILCS 5/6-115].
- k) The fees for a school bus commercial driver's license shall be as follows:
- | | |
|--|------|
| 1) Driver's license upgrade to school bus CDL | \$20 |
| 2) Renewal school bus CDL | \$20 |
| 3) Duplicate or corrected school bus CDL | \$5 |
| 4) Instruction Permit issued to any person holding a valid Illinois driver's license for the purpose of changing to a school bus CDL | \$10 |
| 5) School bus CDL upgrade to regular CDL | \$20 |
| 6) Driver's license renewal, plus school bus commercial driver's license instruction permit | \$20 |
- l) A driver who possesses a school bus CDL or school bus CDIP shall be subject to the prohibitions against driving a commercial motor vehicle while having any alcohol in such person's system as outlined in Section 6-515 of the Illinois Vehicle Code [625 ILCS 5/6-515].
- m) A driver who possesses a school bus CDL or school bus CDIP shall be

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- subject to the implied consent requirements for commercial motor vehicle drivers as outlined in Section 6-516 of the Illinois Vehicle Code [625 ILCS 5/6-516].
- o) A driver who possesses a school bus CDL or school bus CDIP shall be subject to the implied consent warnings as outlined in Section 6-517 of the Illinois Vehicle Code [625 ILCS 5/6-517].
- p) A driver whose school bus CDL or school bus CDIP has been canceled or withdrawn may contest the sanction by requesting a hearing pursuant to the procedures as outlined in Section 2-118 of the Illinois Vehicle Code. The cancellation or withdrawal of a school bus CDL shall remain in effect pending the outcome of that hearing [625 ILCS 5/2-118].
- q) A driver who possesses a school bus CDL or school bus CDIP shall be subject to the cancellation provisions of Section 6-201 of the Illinois Vehicle Code [625 ILCS 5/6-201].
- r) A driver who possesses a school bus CDL or school bus CDIP shall be subject to all provisions of the Uniform Commercial Drivers License Act [625 ILCS 5/Ch. 6, Art. V].

(Source: Added at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Public Library Construction Grants

Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

2) Code Citation: 23 Ill. Adm. Code 3060

3) Section Numbers: Proposed Action:

3060.400 Amendment
3060.800 Amendment
3060.900 Amendment
3060.1100 New Section

13) State reasons for this rulemaking if it was not included in either of the 2 most recent regulatory agendas: The purpose of this rule is to clarify requirements for disbursement of grant funds, and to add additional fiscal controls on the expenditure of said funds.

The full text of the Proposed Amendment begins on the next page:

4) Statutory Authority: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

5) A Complete Description of the Subjects and Issues Involved: Requires libraries and library systems applying for construction grants to include assurances that the library will expend the grant funds within twelve months of execution of the grant agreement, that the library will secure a fidelity bond naming the Secretary of State's Office as the exclusive beneficiary, and that any interest earned on the grant funds will be expended exclusively on the subject construction project. Financial reports must include interest earned on grant funds and expenditures made from grant funds and interest. Provides a schedule for disbursement of grant funds.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking:

Gregory McCormick
Illinois State Library
300 South Second Street, 5th Floor
Springfield, Illinois 62701
217/782-3504

12) Initial Regulatory Flexibility Analysis: After careful consideration, the

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE B: CULTURAL RESOURCES
 CHAPTER I: SECRETARY OF STATE

PART 3060

PUBLIC LIBRARY CONSTRUCTION GRANTS

SUBPART A: INTRODUCTION

Section

3060.100 Program Purpose

3060.200 Duty to Administer

3060.400 Definitions

SUBPART B: GRANT APPLICATION

Section

3060.500 Priorities in Library Grant Construction Proposals

3060.600 Grant Funding Limitations

3060.700 The Chicago Public Library Branches

3060.800 Grant Application Procedure

3060.900 Requirements and Conditions of Grant Funds

3060.1000 Remodeling for Accessibility

3060.1100 Disbursement of Grant Funds

SUBPART C: APPEAL PROCEDURE

Section

3060.2000 Appeal Procedure

APPENDIX A EDA Qualified Areas (Repealed)

AUTHORITY: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

SOURCE: Emergency rules adopted and codified at 7 Ill. Reg. 2017, effective January 28, 1983, for a maximum of 150 days; emergency expired June 27, 1983; adopted at 8 Ill. Reg. 2510, effective February 10, 1984; Part repealed, new Part adopted by emergency action at 9 Ill. Reg. 4560, effective March 20, 1985, for a maximum of 150 days; emergency expired August 17, 1985; Part repealed, new Part adopted at 9 Ill. Reg. 15004, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 17885, effective November 4, 1985, for a maximum of 150 days; emergency expired April 3, 1986; amended at 10 Ill. Reg. 20002, effective November 19, 1986; amended at 12 Ill. Reg. 11264, effective July 1, 1988; emergency amendment at 17 Ill. Reg. 18687, effective October 12, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 4996, effective March 14, 1994; amended at 19 Ill. Reg. _____, effective _____.

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SUBPART A: INTRODUCTION

Section 3060.400 Definitions

For the purposes of this Part:

"Act" means the Illinois Library System Act [75 ILCS 10].

"Application round" means the period in which applications for grants are available to prospective applicants and completed applications are reviewed and grants awarded. ~~If additional monies remain after the first application round held in the fall, a second application round (in the spring) shall be held.~~ Prospective grant applicants may apply during any ~~either~~ round offered ~~or both rounds~~.

"Appropriation" means the amount of funds actually approved by the General Assembly for a particular fiscal year and allocated to fund the construction grant program under Section 8 of the Illinois Library System Act.

"Construction" includes, but is not limited to:

The construction of new public library and library systems buildings.

The acquisition, expansion, remodeling and/or alteration of existing buildings.

The purchase of initial equipment for new buildings or existing buildings which are being expanded, remodeled, or altered, under this grant.

Any combination of such activities (including architect's fees and the cost of the site if acquired in the last 2 years).

"Equipment" includes:

Machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and all other items necessary for the functioning of a particular facility as a library or as a library system facility. By way of illustration, "equipment" includes, for example, fixtures, furnishings, shelving, and carpeting. "Equipment" does not include, for example, books, periodicals, films, or recordings.

"Inter-system reciprocal borrowing" means reciprocal borrowing transactions involving a lending library and a patron registered as a borrower at a library in another system.

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"Library" means a tax-supported public library within an Illinois Library System. "Library" also means a branch library of a main library facility.

"Library system" means an organization defined at Section 2 of the Library System Act [75-1569-10].

"Political unit" refers to the local governing authority.

"State fiscal year" means the period from July 1 through June 30.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART B: GRANT APPLICATION

Section 3060.800 Grant Application Procedure

The following application procedures shall apply:

- a) An "Intent to Apply" letter shall be submitted to the respective Regional Planning Commission in advance of the application for a construction grant. A copy of the reply from the applicable Regional Planning Commission and a copy of the "Intent to Apply" letter shall be submitted to the Illinois State Library.
- b) The Illinois State Library shall issue application forms for library construction grants under this program.
- c) Applying libraries and library systems shall submit the completed library construction grant application together with the following documents or written assurances to be eligible for library construction grants:
 - 1) An assurance that the real estate affected by the proposed construction is available to the library or library system.
 - 2) The legal description of the affected real estate.
 - 3) An assurance that other funds are available or how they will be secured by the library. Funds which will be available upon the grant award may include a mortgage commitment letter from a lender or a promise to donate funds. Assurances from the applicant that various fund-raising activities will be undertaken in the future, where the amount to be raised remains uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3060.100.
- 4) An assurance that the library will expend Secretary of State library construction grant funds within twelve (12) months after the execution of the grant agreement.
- 5) A building program including preliminary construction plans.
- 6) A site plan of the proposed building.
- 7) An estimated cost per square foot (for additions and new construction).

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8) A statement describing the necessity for the proposed project.

9) A statement of plans to meet existing library standards of service ("Avenues to Excellence II: Standards for Public Library Service in Illinois" - Chicago IL, Illinois Library Association, 1989). The material incorporated by reference includes no later amendments or editions. This subsection shall not apply to library systems.

10) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.

11) An assurance that the library will secure a fidelity bond naming the Office of the Illinois Secretary of State as the exclusive beneficiary in an amount equal to one and a quarter times the grant award.

12) An assurance that construction work will be performed by the lump sum (fixed price) contract method.

13) An assurance that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid.

14) An assurance that all laborers and mechanics employed by the contractor or subcontractors on all construction projects assisted by the Act shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act (820 ILCS 130).

15) An assurance that a copy of the building permit shall be supplied to the Illinois State Library prior to the actual construction and that the permit shall be posted in a prominent place on the construction site.

16) An assurance that all contractors and subcontractors shall comply with the provision of the Copeland Anti-Kick Back Act (40 U.S.C. 276c (1982)) supplemented in U.S. Department of Labor regulations (29 CFR 3 (1985)). The material incorporated by reference includes no later amendments or editions.

17) An assurance that contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all Federal and State laws, rules, and regulations which prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age, and physical or mental handicap.

18) An assurance that construction contracts signed by both the library board (or library system board) and contractors will be prepared on standard American Institute of Architecture (AIA) forms that are submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards

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contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any such contracts between the library board or library system board and contractors if:

- A) The bidding procedure outlined in subsection (c)(13)(f) was not followed.
- B) The conditions and standards specified in the contract between the Illinois State Library and the library board are not incorporated into the contracts between the library board or library system board and the contractors.

19)17 An assurance that a revised budget will be prepared after bids have been accepted and will be submitted to the Illinois State Library for approval prior to actual construction. Such approval will be based on the exercise of professional judgment to insure that the provision of library services will not be harmed by the changes reflected in the revised budget. Such approval will also be based on the reduction in the contingency line item from five percent (5%) in the original budget to two percent (2%) of total project cost in the revised budget. Grant monies awarded are based on the amount specified in the original budget; grant awards will not be increased because of subsequent increases in revised budgets.

20)18 An assurance that a plaque will be placed in the completed building stating that State funds administered by the Secretary of State and State Librarian were used for the building's construction.

21)19 An assurance that permits any agent authorized by the Illinois State Library, upon presentation of credentials to, in accordance with the constitutional limitation on administrative searches, have full access to and the right to examine any records, books, papers, or documents, of the grantee involving transactions related to the grant.

22)20 An assurance that the construction will commence within one hundred forty (140) days of the effective date of the grant contract, and that the Project will be completed within a reasonable length of time.

23)21 An assurance that a sign will be displayed on the construction site stating that State funds administered by the Secretary of State and State Librarian are being used for the construction.

24)22 An assurance that the following reports and records will be completed and transmitted to the Illinois State Library: Monthly reports of interest earned on grant funds, quarterly quarterly narrative and financial reports; notification within 15 days of completion of the project; a close-out report which is a final financial and narrative report within 90 days after of the completion of the Project; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State.

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A) Financial reports shall show the amount of authorized State and local funds, interest earned on grant funds, expenditures made from grant funds and from interest earned on grant funds, obligated funds by amount and by percentage of line item remaining as compared to the original budget.

B) Narrative reports shall state the progress of the Project, accomplishments to date, problems encountered, objectives met and unmet, changes implemented, and the percentage of completion of the Project to date.

C) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the Project. The close-out report shall include a project audit report which shall be completed by an independent certified public accountant or accounting firm using generally accepted accounting principles. The project audit report shall include financial statements and compliance statements (which indicate that grant monies have been obligated in compliance with applicable laws and regulations of The State of Illinois and this Part).

25)23 An assurance that the building will remain in use as a public library or library system facility for not less than twenty years after its construction unless other use is approved by the Illinois State Library.

26)24 An assurance letter from the Historic Preservation Agency stating the project is in compliance with all of the requirements related to the National Register of Historic Places.

27)25 An assurance letter from the Illinois State Water Survey Division of the Illinois Department of Energy and Natural Resources stating that the project site is not located in a Special Flood Hazard Area. If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources, the Illinois Department of Transportation, stating that the project meets the requirements of Executive Order 79-4 regarding flood damages (this citation is for reference purposes and is not an incorporation by reference).

28)26 An assurance that any change in the Plans and Specifications requiring a work change order will be submitted to the Illinois State Library; any change order of ten thousand dollars (\$10,000) or more will be submitted to the Illinois State Library for approval prior to being effected. The change order will be approved if the change does not have an adverse impact on library services.

29) An assurance that any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.

d) All applications will be considered by the Illinois State Library Advisory Committee in accordance with the provisions of this Part.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 3060.900 Requirements and Conditions of Grant Funds

- a) Building Construction Plans
- 1) Library buildings are to be planned for twenty (20) year population projection (for new construction and additions to buildings).
 - 2) A library building consultant shall be retained by the grantee throughout the planning and construction if the total cost of the project exceeds \$150,000.
 - 3) The architects and/or engineers employed in the design and construction of the project must be registered to practice in the State of Illinois.
 - 4) The library must meet the eligibility criteria to qualify for per capita grants provided in 75 ILCS 10/8.1, and submit an application for such grants. This subsection shall not apply to library systems.
 - 5) The library or system facility shall provide access for the physically handicapped as required in Accessibility Standards Illustrated (71 Ill. Adm. Code 400), published by the Illinois Capital Development Board, and shall display the symbol of accessibility.
 - b) The library or library system shall own the proposed building site in fee simple title, or show the legal right to use the said premises for an unlimited duration.
 - c) A project will not be advertised or placed on the market for bidding until the final working drawings and specifications have been approved by the Illinois State Library.
 - d) All contracts for library construction shall be awarded to the lowest qualified bidder on the basis of open competitive bidding; however, if one or more items of construction are covered by an established alternative procedure used by a local unit of government, consistent with State and local laws and regulations, and approved by the Illinois State Library as designed to assure construction in an economical manner consistent with sound business practices, such alternative procedure may be followed, as is consistent with State statutes and local ordinances.
 - e) Contractors and subcontractors shall submit with each request for payment the weekly payroll forms required by the Davis-Bacon Act (40 U.S.C. 327 et seq. (1982)).
 - f) The library system of which the applicant is a member shall be notified of the proposed project; a copy of the completed application shall be sent to the library system director by the applicant. This subsection shall not apply where the library system is the applicant.
 - g) The grant recipient must secure a fidelity bond naming the Office of the Illinois Secretary of State as the exclusive beneficiary in an

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amount equal to one and a quarter times the grant award. Failure to submit said fidelity bond by scheduled award date may result in loss of grant.

h) ~~5~~ The Library Board shall establish and maintain such records and accounts as will permit accurate and expeditious audits at any time, before, during, and after completion of construction; such records shall be retained for not less than the time provided for by the Local Records Act (50 ILCS 205).

i) ~~h~~ The Library Board shall comply with all applicable provisions of the Illinois Purchasing Act (30 ILCS 505).

j) ~~+~~ The library must permit intersystem reciprocal borrowing.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 3060.1100 Disbursement of Grant Funds

The Illinois State Library shall disburse grant funds in accordance with the following schedule:

- a) ~~45~~ upon approval of the subject application and execution of the grant agreement;
- b) ~~45~~ upon receipt by the Illinois State Library of the following items as listed in the Assurance of Compliance:
 - 1) a revised construction schedule
 - 2) a copy of building permit
 - 3) a revised budget (after bid acceptance)
 - 4) a copy of subject library's contract with general contractor
 - 5) notification of the erection on the construction site of a sign stating that library construction funds administered by the Secretary of State and State Librarian are being used for the construction
 - 6) quarterly narrative and financial reports to date; and
- c) ~~10~~ upon completion of the project and receipt and approval of the close-out reports by the Illinois State Library.

(Source: Added at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: School Bus Driver Permit

2) Code Citation: 92 Ill. Adm. Code 1035

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1035.10	New Section
1035.15	New Section
1035.20	New Section
1035.25	New Section
1035.30	New Section
1035.35	New Section
1035.40	New Section
1035.45	New Section
1035.50	New Section

4) Statutory Authority: Implementing and authorized by Public Act 88-612, effective July 1, 1995.

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being added to implement Public Act 88-612, and establishes the rules and regulations for the issuance of a school bus permit by the Secretary of State as set forth in Public Act 88-612.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this rulemaking contain incorporations by reference? No.

9) Are there any other proposed rulemakings pending on this part? No.

10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Mark A. Novak
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any

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types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

13) State reasons for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas:

The full text of the Proposed Rule begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1035

SCHOOL BUS DRIVER PERMIT

Section	
1035.10	Definitions
1035.15	Requirements of Applicants for a School Bus Driver Permit
1035.20	Annual Medical Examination and Certificate
1035.25	Permit Application Process
1035.30	Training
1035.35	Denial, Cancellation, or Suspension of a School Bus Driver Permit
1035.40	Notice
1035.45	Employer Responsibility
1035.50	Hearings

AUTHORITY: Implementing and authorized by Public Act 88-612, effective July 1, 1995.

SOURCE: Adopted at 19 Ill. Reg. _____, effective _____.

Section 1035.10 Definitions

a) For purposes of this Part, the following definitions shall apply:

"Cancellation - Cancellation of school bus driver permit - the annulment or termination by formal action of the Secretary of State of a person's school bus driver permit because of some error or defect in the permit, because the permit holder is no longer entitled to such permit, refusal or neglect of the person to submit an alcohol and drug evaluation or submit to or failure to successfully complete the examination, in accordance with Sections 1-110, 6-106.1 and 6-207 of the Illinois Vehicle Code [625 ILCS 5/1-110, 6-106.1 and 6-207].

"Conviction" - an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgement dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated [625 ILCS 5/6-500(8)].

"Denial" - to prohibit or disallow the privilege to obtain a school

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bus driver permit and/or the privilege to operate a school bus in accordance with Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1].

Disqualification - a withdrawal of the privilege to drive a commercial motor vehicle [625 ILCS 5/6-106.1].

"Employer" - any public or private school district, individual, corporation, partnership or association who employs school bus drivers licensed pursuant to Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1].

"Employer Certification" - a form as prescribed by the Secretary of State submitted by the employer which certifies that an applicant has met all pre-employment conditions and all conditions for reapplication, or that a driver who is no longer eligible for a school bus driver permit has been removed from service.

"Fingerprint Process" - a method by which a person's fingerprints are taken for the purpose of certification of a criminal background investigation for a school bus driver permit and submitted to the Illinois Department of State Police and the Federal Bureau of Investigation (FBI).

"Home State" - the States of Indiana, Michigan, Wisconsin, Iowa, Missouri and Kentucky, which have issued a valid and properly classified driver's license.

"Lapse" - a period of time following the expiration of a driver's license or school bus driver permit in which the driver can renew or reapply without penalty.

"Medical Examiner's Certificate Form" - a form upon which a licensed medical examiner records results of a physical examination and certifies whether a person is qualified to apply for a school bus driver permit.

"Miscellaneous Suspension" - a safety and financial responsibility, unsatisfied judgment, auto emissions, penalty for parking violation, failure to appear, and all suspensions which are rescinded and are no longer in effect.

"Pre-Employment Conditions" - an applicant must be interviewed by the prospective employer; complete a school bus driver permit application and prescribed medical report form; successfully pass a physical examination; successfully complete a fingerprint based Illinois specific background check with fingerprints forwarded to the FBI for a national background check; and receive the required specialized

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training.

"Provisional Status" - the temporary privilege to operate a school bus pending the completion of the Federal Bureau of Investigation (FBI) criminal background check.

"Repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic" - for which an order has been entered to suspend or revoke the license or permit under the discretionary authority of Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)].

"Repeatedly involved as a driver in motor vehicle collisions" - for which an order has been entered to suspend or revoke the license or permit under the discretionary authority of Section 6-206(a)(4) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(4)].

"Rescind Order" - a removal by formal action of an order canceling, suspending or denying issuance of a school bus permit to a person.

"Review of Driving Habits" - a review of the applicant's driving record maintained by the Office of the Secretary of State or documentation from another licensing jurisdiction, which has been certified within 30 days prior to the date of application, to insure that the requirements pursuant to Section 6-106(1), (2), (3), (9), (10), (11), (12) and (13) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-106(1), (2), (3), (9), (10), (11), (12) and (13)] have been met.

"School Bus" - (a) every motor vehicle, except as provided in paragraph (b) below, owned or operated by or for any of the following entities, for the transportation of persons regularly enrolled in any such entity as students in Grade 12 or below in connection with any activity of the entity; a school operated by a religious institution or a public or private nursery, pre-school, primary or secondary school; (b) the definition of (a) does not include the following: (1) A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is on a regularly scheduled route for the transportation of other fare paying passengers or furnishing charter service for the transportation of groups on field trips or other special trips or in connection with special events or for shuttle service between attendance centers or other educational facilities and not over a regular or customary school bus route. (2) a religious organization bus as defined in Section 1-182 of the Illinois Vehicle Code [625 ILCS 5/1-182]. (3) a motor vehicle designed for carrying not more than nine passengers which is not registered as a school bus under Section 3-808 of the Illinois Vehicle Code [625 ILCS 5/3-808].

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"School Bus Driver Permit" - permit issued for a period of one (1) year to school bus drivers by the Office of the Secretary of State pursuant to Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1].

"School Bus Driver Permit Application" - the form or document prescribed by the Secretary of State upon which a request for a school bus driver permit is made.

"Serious Traffic Violation" - notwithstanding convictions, which in and of themselves result in the immediate suspension or revocation of a driver's license and privilege, the following offenses or a similar violation of a law or local ordinance of any state relating to motor vehicle traffic control shall be considered a serious traffic violation: a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or a violation of Section 6-104(d) of the Illinois Vehicle Code [625 ILCS 5/6-104(d)] relating to the possession of a valid school bus driver permit; or a violation of the speed limit in school zone as defined in Section 11-605 of the Illinois Vehicle Code [625 ILCS 5/11-605]; or a violation of passing a stopped school bus as defined in Section 11-1414 of the Illinois Vehicle Code [625 ILCS 5/11-1414]; or failure to stop at railroad crossing as defined in Section 11-1202 of the Illinois Vehicle Code [625 ILCS 5/11-1202]; or a violation relating to improper or erratic lane changes; or a violation relating to following another vehicle too closely; or any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines pursuant to 92 Ill. Adm. Code 1040.20.

"State" - a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada [625 ILCS 5/1-195].

"Suspension of Driver License" - the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Suspension of School Bus Driver Permit" - the temporary withdrawal by formal action by the Secretary of a person's permit which grants and specifies limited privileges to operate a school bus on the public highways, for a period specifically designated by the Secretary.

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"Waiver" - an exemption allowed under certain conditions rendering an ineligible applicant eligible.

Section 1035.15 Requirements of Applicants for a School Bus Driver Permit

- a) In order for the Secretary of State to issue a school bus driver permit, all applicants must:
 - 1) Be 21 years of age or older;
 - 2) Possess a valid and properly classified driver's license issued by the Secretary of State or a valid license issued to him in his home state;
 - 3) Possess a valid driver's license, for 3 years immediately prior to the date of application, which has not been revoked, suspended, canceled or disqualified, as defined in 625 ILCS 5/6-500, during this period for any action except those defined as miscellaneous suspension by rule. A lapse in the renewal of the driver's license of thirty (30) days or less shall not render the applicant ineligible. The Secretary of State may in his discretion grant a waiver for a lapse in the renewal of the driver's license in excess of thirty (30) days;
 - 4) Pass a written test on school bus operation, school bus safety, and special traffic laws relating to school buses and submit to a review of the applicant's driving habits by the Secretary of State at the time the written test is given;
 - 5) Demonstrate the ability to exercise reasonable care in the operation of the school buses in accordance with the requirements of 92 Ill. Adm. Code 1030.85;
 - 6) Be physically able to safely operate a school bus. An applicant for a school bus driver permit must demonstrate physical fitness to operate school buses by undergoing a medical examination in accordance with the provisions of Section 1035.20 of this Part;
 - 7) Affirm under penalty of perjury that he/she has not made a false statement or knowingly concealed a material fact in any application for a permit;
 - 8) Have completed an initial classroom course, including first aid procedures, in school bus driver safety in a program approved by the Secretary of State. After satisfactory completion of said initial course, an annual refresher course will be required. Such courses and the agency or organization conducting such courses shall be approved by the Secretary of State. Failure to complete the annual refresher course shall result in cancellation of the permit until such course is completed, in accordance with provisions of Section 1035.30 of this Part;
 - 9) At the time of application, not have been convicted of two (2) or more serious traffic offenses within the previous twelve (12) month period, nor be convicted of two (2) or more serious traffic offenses during any twelve (12) month period while holding a school bus driver permit that may endanger the life and safety of

- 10) Any of the driver's passengers;
 - 11-503 of the Illinois Vehicle Code [625 ILCS 5/11-503], driving under the influence of alcohol and/or other drugs, pursuant to Section 11-501 of the Illinois Vehicle Code [625 ILCS 5/11-501], reckless homicide, pursuant to Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3] resulting from the operation of a motor vehicle within 3 years of the date of the application;
 - 11) Not have been convicted of committing or attempting to commit any one or more of the following offenses:
 - A) those offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-15, 12-16, 18-1, 18-2, 18-3, 18-4, 20-1, 20-1.1, 24-1, 24-1.1, 24-1.2, 31A-1, 31A-1.1 and 33A-2, and in Section 12-4(a) and (b)(1) of the Criminal Code of 1961 [720 ILCS 5/12-4(a) and (b)(1)];
 - B) those offenses defined in the Cannabis Control Act except those offenses defined in Section 4(a) and (b) and Section 5(a) of the Cannabis Control Act [720 ILCS 550/4(a) and (b) and 5(a)];
 - C) those offenses defined in the Illinois Controlled Substances Act [720 ILCS 570];
 - D) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State could be punishable as one or more of the foregoing offenses;
 - E) the offenses defined in Sections 4.1 and 5.1 of the Wrongs to Children Act [720 ILCS 150/4.1 and 5.1]; and
 - F) those offenses defined in Section 6-16 of the Liquor Control Act of 1934 [234 ILCS 5/6-16].
 - 12) Not have been repeatedly involved as a driver in motor vehicle collisions or been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree which indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway in accordance with 92 Ill. Adm. Code 1040.40.
 - 13) Not have, through the unlawful operation of a motor vehicle, caused an accident resulting in the death of any person.
 - 14) Not have, within the last 5 years, been adjudged to be afflicted with or suffering from any mental disability or disease.

Section 1035.20 Annual Medical Examination and Certificate

- a) All applicants for a school bus driver permit must demonstrate physical fitness to operate school buses by undergoing a medical

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examination, including tests for drug and alcohol use, conducted by a licensed physician within ninety (90) days prior to the date of application for such permit.

- b) An applicant who within 90 days prior to the date of application has undergone a medical examination complying with Subpart E of 49 CFR 391 (1989) (no later amendments are incorporated herein) and/or drug tests complying with 49 CFR 40 (54 Fed. Reg. 49854, effective January 2, 1990) (no later amendments are incorporated herein) shall be exempt from the corresponding requirements of this Section, provided that the applicant submits to the Secretary of State a copy of the federal "medical examiner's certificate" (49 CFR 391.41(d)) and/or a copy of the "drug testing custody and control form" (49 CFR 40.23(a)) signed by the responsible physician.

- c) Except as provided in subsection (b) of this Section, the medical examination for all applicants shall be performed in accordance with the provisions of this Section and 49 CFR 391.43(d). A form conforming to these requirements, as well as the medical examiner's certificate described in subsection (i) of this Section, can be obtained from the Secretary of State for the use of the examining physician.

- d) Each applicant to be tested for drugs shall consent in writing to provide a urine specimen for this purpose as part of the applicant's annual medical examination and shall authorize the release of the results of such tests to the examining physician. Those persons responsible for collection of the specimen shall ensure that the specimen is not substituted, adulterated, or diluted by the applicant during the collection procedure. The specimen container shall be labeled to identify its source and shall be delivered to the testing laboratory by U.S. mail, personal delivery by the physician's staff, a professional messenger service, or by other means which preclude tampering with the specimen. Those persons responsible for collecting, processing, and testing the specimen shall maintain and be able to document a chain of custody for the specimen which ensures its integrity.

- e) The specimen shall be tested for marijuana, cocaine, opiates, amphetamines and phencyclidine using the tests and standards for positive test results specified in 49 CFR 40.29(e) and (f). Testing shall be conducted by a laboratory certified by either the Illinois Department of Public Health pursuant to 77 Ill. Adm. Code 510 or the U.S. Department of Transportation pursuant to 49 CFR 40.

- f) The laboratory shall report the test results only to the examining physician. The physician shall review confirmed positive test results in order to determine whether there is a legitimate medical explanation of legal drug use for each positive test result. The physician may, at his/her discretion, consult with any other physician whose expertise in the area of substance abuse may, in the examining physician's judgment, be helpful in reviewing test results. The physician shall record his/her findings on the applicant's health

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certificate form. If the physician determines that there is no legitimate medical explanation for a positive test result for one or more of the tested drugs, the applicant shall be ineligible to receive a school bus driver permit.

- g) Each applicant, as part of the annual medical examination, shall also be tested to assist the physician in determining whether the applicant has a current clinical diagnosis of alcoholism. The physician shall record on the examination form those tests which were administered, as well as the physician's findings as to whether the applicant has a current clinical diagnosis of alcoholism. An applicant with a current clinical diagnosis of alcoholism shall be ineligible for a school bus driver permit.

- h) An applicant shall be considered physically qualified to operate a school bus only if he or she:

- 1) has no loss or impairment of a hand, finger, arm, foot, or leg which would interfere with the safe operation of a school bus or has had such loss(es) or impairment(s) compensated for in a manner satisfactory to the examining physician;
- 2) has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control which is likely to interfere with the ability to control and drive a school bus safely;
- 3) has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure;
- 4) has no established history or clinical diagnosis of a respiratory dysfunction likely to interfere with the ability to control and drive a school bus safely;
- 5) has no current clinical diagnosis of high blood pressure likely to interfere with the ability to control and drive a school bus safely;
- 6) has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease likely to interfere with the ability to control and drive a school bus safely;
- 7) has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control and drive a school bus safely;
- 8) has no mental, nervous, organic or functional disease or psychiatric disorder likely to interfere with the ability to control and drive a school bus safely;
- 9) has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses, or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses, field of vision of at least 70 degrees

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in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, amber and green (i.e., no monocular individual may be considered qualified);

- 10) first perceives a forced whispered voice in the better ear at not less than 5 feet with or without a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500Hz, 1,000Hz and 2,000Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard Z24.5-1951;

- 11) does not use amphetamines, cocaine, marijuana, opiates, phenylclidine, or any other mind altering drug or substance, or any prescribed drug that may interfere with the ability to operate a school bus safely;

- 12) has no current clinical diagnosis of alcoholism; and

- 13) has a negative reading/test result on a tuberculosis test or has a positive result on a tuberculosis skin test and either:

A) is receiving prophylactic treatment, or
B) has inactive tuberculosis as diagnosed by X-ray.

- i) The examining physician's conclusion as to whether the person he/she examined is qualified to drive a school bus shall be recorded on a medical examiner's certificate with the following form:

MEDICAL EXAMINER'S CERTIFICATE

I certify that I have examined (driver's name (print)) in accordance with the provisions of Title 92, Illinois Administrative Code, Chapter II, Section 1035.20 (Pupil Transportation) and based upon the results of this examination, including the results of tests for alcohol and drug use required in Section 1035.20 of this Part, I find that he/she is:

- ____ Qualified under the regulations
____ Qualified only when wearing corrective lenses
____ Qualified only when wearing a hearing aid
____ Not qualified under the regulations
____ Not qualified due to positive drug test

A completed examination form for this person is on file in my office at _____
(address)

Date of Examination

Federal Expiration Date

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Name of Examining Doctor _____ Tel. No. of Examining Doctor _____

Signature of Examining Doctor _____

Registration No. of Examining Doctor _____

Signature of Driver _____

Address of Driver _____

- j) One copy of the completed certificate is to be forwarded by the examining physician to the employing agency or organization of the applicant; one copy is to be retained by the applicant; and one copy is to be retained by the examining physician.

Section 1035.25 Permit Application Process

- a) Each applicant for a school bus driver permit must first successfully complete a pre-employment interview with the prospective employer to determine the acceptability of the applicant in terms of the requirements of this Part and those outlined in Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1].

- b) The applicant desiring employment as a school bus driver must then obtain from the prospective employer and complete the following:

- 1) Application for Illinois School Bus Driver Permit;
2) Medical Examiner's Certificate form in accordance with Section 1035.20 of this Part;

- 3) Fingerprint process.

- c) The employer shall certify in writing to the Secretary of State on a form prepared or approved by the Secretary of State that all the required pre-employment conditions have been successfully completed.

- d) The applicant shall then submit the employer certification, the school bus driver permit application, and a fee of \$4.00 to the Secretary of State.

- e) The Secretary of State shall review the applicant's driving history to determine if it is acceptable under the provisions of this Part and Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1].

The applicant:

- 1) must pass a written examination administered by the Secretary of State's Office in accordance with 92 Ill. Adm. Code 1030.80.
2) must successfully complete a road test administered by the Secretary of State's Office or a licensed third-party tester in the class of vehicle to be used in accordance with 92 Ill. Adm.

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Code 1030.85.

These tests must be successfully completed in three attempts and within 90 days from the date of certification by the employer.

- f) Upon successful completion of all pre-employment conditions and examination requirements for the school bus driver permit, the Secretary of State shall issue a school bus driver permit with a provisional status. Upon successfully passing the Federal Bureau of Investigation's criminal background investigation the Secretary of State shall remove the bus driver permit from provisional status. The permit shall expire one year from the issuance date.

g) Current Permit Holders

- 1) All valid school bus driver permits issued under Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1] prior to July 1, 1995, shall remain valid until their expiration date unless otherwise invalidated.

- 2) Individuals who as of July 1, 1995 possess a valid school bus driver permit that was previously issued by the appropriate regional superintendent are not subject to the fingerprinting provisions as long as the permit remains valid and does not lapse. If an applicant re-applies for a school bus driver permit thirty (30) days or less after the date of expiration of the current permit, it shall not constitute a lapse.

- 3) Current school bus drivers also need not be retested at the Secretary of State's Driver Services Facility except when a change in license classification is required.

- 4) A re-applicant who has held a valid Illinois school bus driver permit issued prior to July 1, 1995, shall be required to submit an employer certification, verifying the completion of a yearly physical and refresher training, along with a fee of \$4.00.

h) Re-Applicants

- 1) All re-applicants for a school bus driver permit shall be required to submit an employer certification, verifying the completion of a yearly physical, and refresher training.

- 2) All re-applicants for a school bus driver permit shall be required to submit the appropriate fee along with their renewal certification. Re-applications will not be accepted more than 30 days prior to the expiration date of the current permit.

- i) The fee for a school bus driver permit shall be as follows:

- 1) Original school bus driver permit.....\$4.00
- 2) Re-application for school bus driver permit.....\$4.00

- j) Duplicate or corrected school bus driver permit.....\$4.00
- i) Any individual who allows his/her school bus driver permit to expire for more than thirty (30) days shall be required to submit to all the requirements set forth for a new applicant.

- k) Substitute Drivers: Any individual who drives when a regular school bus driver is not available must have a permit. Athletic coaches, teachers, and other school employees who occasionally drive school buses which transport students to and from school or school-related

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activities must be qualified and have a school bus driver's permit.

- 1) Out-of-State Applicants: Persons residing in a state other than Illinois who desire employment as school bus drivers, must possess a properly classified license from their home state. In addition, the applicant must follow the procedure outlined for new resident applicants.

- m) New Resident Applicants: Persons who have relocated to the State of Illinois who desire employment as school bus drivers must provide documentation from the former state(s) of residence prior to application that the requirements of Section 6-106.1(a)(3), (9) and (10) of the Illinois Vehicle Code [625 ILCS 5/6-106.1(a)(3), (9) and (10)] have been met. This documentation must be attached to the school bus driver application form prior to proceeding in the Secretary of State's Driver Services Facility. Such documentation must have been issued within thirty (30) days prior to the date of application. The applicant must follow the procedure outlined for new applicants as set forth in this Section.

Section 1035.30 Training

- a) Initial training was well as annual refresher training for school bus drivers is required by Section 6-106.1(a)(8) of the Illinois Vehicle Code [625 ILCS 5/6-106.1(a)(8)].

- b) Each new applicant shall complete an initial classroom course in school bus driver safety, including the first aid portion, offered by the State Board of Education in a program approved by the Secretary of State. This course must be completed prior to the issuance of a school bus driver permit.

- c) Prior to obtaining a school bus driver permit, the employer shall certify to the Secretary of State that the applicant has successfully completed the initial classroom course in school bus driver safety, including first aid procedures, and that the applicant has been provided sufficient practical training to ensure proficiency in the safe and proper operation of a school bus.

- i) The initial course and annual refresher course are required for each school bus driver and shall be completed at the following minimum requirement:

- 1) The Secretary of State shall be responsible for approving such courses and the agency or organization conducting the course.

- i) Refresher training courses shall be a minimum of two hours in length, part of which must include first aid training.

- 1) Refresher training must be taught by an instructor certified by the Illinois State Board of Education.

Section 1035.35 Denial, Cancellation, or Suspension of a School Bus Driver Permit

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- a) The Secretary of State shall deny or cancel a school bus driver permit of an applicant:
- 1) Whose criminal background investigation discloses that he/she is not in compliance with any of the provisions of Section 6-106.1(a) of the Illinois Vehicle Code [625 ILCS 5/6-106.1(a)];
 - 2) Upon receiving notice that the permit holder fails to comply with any provision of this Part;
 - 3) Upon receiving notice that the permit holder's restricted commercial driving permit or commercial driving privileges are withdrawn or otherwise invalidated.
- b) The Secretary of State shall suspend a school bus driver permit for a period of 3 years upon receiving notice that the holder has failed to obtain a negative result on a drug test as required pursuant to Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1] or under federal law.
- c) The Secretary of State shall deny an applicant for a school bus driver permit for a period of 3 years who fails to obtain a negative result on a drug test as required by Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1] or under federal law.
- d) The Secretary of State shall deny an applicant or re-applicant for a school bus driver permit upon an indication on a driving record that he/she has failed to pay any fines, costs or fees which deny the renewal or reissuance of a driver's license or any other indication on a driving record which denies the renewal or reissuance of a driver's license.
- e) A cancellation of a school bus driver permit shall remain in effect pending the outcome of a hearing pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118].
- f) An order may be rescinded provided the cause is removed and the driver continues to meet the requirements as outlined in Section 6-106.1(a) of the Illinois Vehicle Code [625 ILCS 5/6-106.1(a)].

Section 1035.40 Notice

The Secretary of State shall immediately notify in writing the State Superintendent of Education and the permit holder's prospective or current employer that the applicant:

- a) has failed a FBI criminal background investigation; or
- b) is no longer eligible for a school bus driver permit; or
- c) of any related cancellations, suspensions, or denials of the applicant's school bus driver permit.

Section 1035.45 Employer Responsibility

It shall be the responsibility of a prospective or current employer of an applicant or holder of a school bus driver permit to:

- a) Conduct a pre-employment interview with the prospective school bus driver candidates.

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- b) Distribute school bus driver permit applications and medical forms.
- c) Insure that applicants submit to a fingerprint based criminal background investigation.
- d) Certify in writing to the Secretary of State that an applicant has successfully completed all pre-employment conditions.
- e) Notify in writing to the Secretary of State that the employer has certified the removal of a school bus driver from service whose permit has been canceled or suspended by the Secretary of State, prior to the start of that school bus driver's next work shift.
- f) Immediately, upon receipt of a positive drug test, notify in writing the Secretary of State of such result. This information shall be privileged and maintained for the use of the Office of the Secretary of State.
- g) Notify in writing to the Secretary of State, within 10 working days, the employment or termination of a permitted school bus driver.
- h) Notify the Secretary of State as soon as possible, but not later than one (1) business day, whenever a school bus is involved in an accident and the driver is required to submit to the post-accident testing requirements as set forth in 49 C.F.R. 391.113.
- i) Maintain records of certifications for a period of two (2) years, which shall be available for inspection by the Secretary of State.

Section 1035.50 Hearings

- a) The Secretary of State shall conduct a hearing pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118] upon the request of an applicant or holder whose school bus driving permit has been denied, canceled or suspended.
- b) The petition requesting a hearing shall be in writing and shall contain the reason the individual feels he/she is entitled to a school bus driver permit.
- c) The scope of the hearing shall be limited to the issuance criteria contained in Section 6-106.1(a) of the Illinois Vehicle Code [625 ILCS 5/6-106.1(a)].

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: University Rules on Charitable Fund Drive for the Urbana-Champaign Campus

- 2) Code Citation: 80 Ill. Adm. Code 2675

- 3) Section Numbers: Proposed Action:

2675.10	New Section
2675.20	New Section
2675.30	New Section
2675.40	New Section
2675.50	New Section
2675.60	New Section

- 4) Statutory Authority: Section 5 of the Voluntary Payroll Deductions Act of 1983 [5 ILCS 340/5].

- 5) A Complete Description of the Subjects and Issues Involved: Under Section 5 of the Voluntary Payroll Deductions Act, the University of Illinois is authorized to promulgate rules governing solicitation of contributors at the workplace. The proposed rules set filing deadlines and request uniform information from agencies wanting to participate in the Annual Campus Fund Drive. Agencies will share equally the costs of running the campaign. These proposed rules require that a local contact person be designated for each participating agency.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this rulemaking contain incorporations by reference? No.

- 9) Are there any other proposed rulemakings pending on this part? No.

- 10) Statement of Statewide Policy Objectives: Not applicable.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rules may be submitted in writing for a period of 30 days following publication of this notice to:

Ms. Kathleen Pecknold
Associate Vice Chancellor for
Administration and Human Resources
Swanlund Building
601 East John
Champaign, IL 61820
(217) 244-4457

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

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- 12) Initial Regulatory Flexibility Analysis: This proposed rule will impact not for profit corporations since these are the entities which participate in the campus annual fund drive. The University will send notice to the current participating agencies of these proposed rules and have provided in Paragraph 11 a written comment period after the publication of this notice.

- 13) State reasons for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas:

The full text of the Proposed Rule begins on the next page:

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED RULE

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE G: PAYROLL DEDUCTIONS

CHAPTER IV: BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

PART 2675

UNIVERSITY RULES ON CHARITABLE FUND DRIVE

FOR THE URBANA-CHAMPAIGN CAMPUS

Section	Scope
2675.10	Definitions
2675.20	Identification of Organization
2675.30	Contents of Application
2675.40	Annual Requirements for Campus Charitable Fund Drive Participating Umbrella Organization or Agency
2675.50	Methods of Giving
2675.60	

AUTHORITY: Authorized by Section 5 of the Voluntary Payroll Deductions Act of 1983 [5 ILCS 340/5].

SOURCE: Adopted at 19 Ill. Reg. _____, effective _____.

Section 2675.10 Scope

The University of Illinois is authorized to adopt its own rules for withholding from an officer's or employee's salary or wages an amount in accordance with the Voluntary Payroll Deductions Act of 1983 [5 ILCS 340].

Section 2675.20 Definitions

The words used in this Part are used with the same meaning assigned to them by statute unless clarified below.

"Campus Charitable Fund Drive Advisory Board" means the Board appointed by the Chancellor on an annual basis at the Urbana-Champaign campus to administer the annual Campus Charitable Fund Drive and to approve all campaign materials distributed to employees.

"Campus Charitable Fund Drive Participating Umbrella Organization or Agency" means those umbrella organizations or agencies which are qualified to participate in the annual Campus Charitable Fund Drive.

"Local and Community Service Funding" means the level of funding provided by the agency within Champaign County and the contiguous counties of Douglas, Ford, Piatt and Vermilion.

"State Qualified Agency" means those agencies affiliated with or

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members of agencies who have been determined to be qualified organizations by the State Comptroller under the Voluntary Payroll Deductions Act of 1983.

"Umbrella Organization or Agency Contact Person" means an individual employed by an agency or umbrella organization with an office or domicile within the State of Illinois who is listed on the application and available to answer inquiries.

Section 2675.30 Identification of Organization

a) The Campus Charitable Fund Drive Advisory Board (hereinafter referred to as the "Advisory Board") recognizes agencies or organizations which are eligible under the Voluntary Payroll Deductions Act of 1983 as being eligible to be included in the Campus Charitable Fund Drive (hereinafter referred to as "CCFD") as long as the agency or organization complies with the requirements of this Part.

b) An agency or organization which is a State Qualified Agency as determined by the State Comptroller under the Voluntary Payroll Deductions Act of 1983 and which complies with the requirements of this Part will be designated as a "Campus Charitable Fund Drive Participating Umbrella Organization or Agency" (hereinafter referred to as a "Participating Agency").

c) Applications from new State Qualified Agencies who wish to be included in the CCFD must be received or postmarked no later than January 1 preceding the fall campaign and shall be addressed to the Advisory Board, c/o Associate Chancellor Kathleen Pecknold, Office of the Vice Chancellor for Administration and Human Resources, Swanlund Administration Building, 601 East John Street, Champaign, Illinois 61820.

Section 2675.40 Contents of Application

a) Each State Qualified Agency or umbrella organization must provide to the Advisory Board the name of the agency, the name of an agency contact person, and an office address and phone number for the agency contact person.

b) Each application will include the designation of at least one official representative with signature authorization, who can provide photographic identification upon request and who will be responsible for collection of cash/check contributions from the Cashiering Office within 60 days after the close of the CCFD.

c) Each application shall include a certification that the agency or organization is a State Qualified Agency under the provisions of the Voluntary Payroll Deductions Act of 1983. Evidence that an agency or organization is a State Qualified Agency shall at a minimum be a letter from the State Comptroller designating the agency or organization as a qualified organization.

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- d) Each application shall include the most recent annual audit and a management letter signed by the president or other authorized officer and the chief fiscal officer or independent auditor stating the level of local and community service funding and the administration and fund-raising expenses as a percentage of total expenditures.
- e) Each application shall include a full description of the services provided by the agency or organization and an expression of interest in being included in the CCFD.
- f) Within 15 working days, the Advisory Board will inform each applying agency or organization whether its application is complete. Failure to file a complete application by January 1 preceding the fall campaign will make the applicant ineligible to participate in the immediately following fall campaign.

Section 2675.50 Annual Requirements for Campus Charitable Fund Drive Participating Umbrella Organization or Agency

- a) Each Participating Agency which submits an application to the Advisory Board shall agree to pay an equal share of the cost of running the campaign on the Urbana campus, at a cost not to exceed \$1,000.00 per year for each agency. The equal share will be determined by dividing the total cost of the CCFD campaign materials by the number of Participating Agencies.
- b) The Advisory Board shall inform each Participating Agency in writing of its share of the cost of running the campaign by February 15 preceding the fall campaign.
- c) Failure to pay the Participating Agency's equal share of the campaign expenses by March 15 preceding the fall campaign will make the Participating Agency ineligible for inclusion in the fall campaign.
- d) A Participating Agency whose participation is being cancelled for failure to pay its fair share of the campaign expenses will receive a 10-day notice of the cancellation as long as their application has been determined to be complete by the Advisory Board.
- e) By March 15 preceding the fall campaign, each continuing Participating Agency shall provide the information listed in Section 2675.40(c), (d), and (e). If any change has occurred since the previous fall campaign in the information to be provided in Section 2675.40(a) and (b), then the continuing Participating Agency shall provide the most recent information.

Section 2675.60 Methods of Giving

- a) The University of Illinois at Urbana will offer payroll deductions to qualified organizations within the limitations of the current University payroll system.
- b) Contributions of cash and checks will be accepted as donations on behalf of Participating Agencies who are eligible to participate in the CCFD.

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- c) The Advisory Board will publish an annual CCFD pledge card and brochure which will cover the collection and designation procedures to be used, provide information about the Participating Agencies, and encourage employee giving.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Fees for By-Product Material Licenses

- 2) Code Citation: 32 Ill. Adm. Code 334

- 3) Section Number: Emergency Action:

334.10	New Section
334.20	New Section
334.30	New Section
334.40	New Section

- 4) Statutory Authority: Implementing and authorized by the Uranium and Thorium Mill Tailings Control Act (see P.A. 88-638, effective September 9, 1994 [420 ILCS 42]).

- 5) Effective Date of Rules: April 11, 1995

- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will remain effective for the full 150 days.

- 7) Date Filed in Agency's Principal Office: April 7, 1995

- 8) Reason for Emergency: This emergency rulemaking is necessary to meet the timelines set forth in the stipulation ordered by the Circuit Court (Sangamon County) in Kerr-McGee Chemical Corporation vs. Thomas W. Ortiger, No. 94-TX-12. In addition, this emergency rulemaking is necessary to formulate the implementation schedule for the collection of fees by the June 1, 1995 date as authorized in the Uranium and Thorium Mill Tailings Control Act. That Act provides that to facilitate the expeditious removal of by-product material, the Department may implement rules establishing payment dates or schedules that may be adopted as emergency rules under Section 5-45 of the Administrative Procedure Act.

- 9) A. Complete Description of the Subjects and Issues Involved: The Department is adopting this emergency rule to implement provisions contained under the Uranium and Thorium Mill Tailings Control Act. This rule will: (1) stipulate the fees to be charged the owner or operator of any property that has been used in whole or in part for the milling of source material and is being used for the storage or disposal of by-product material; (2) establish a schedule for payment of fees; (3) establish hearing procedures for the owner or operator who contests or fails to pay the fees; (4) provide civil penalties for violations; and (5) establish reimbursement procedures for costs incurred by an owner or operator in connection with the decontamination or decommissioning of the storage or disposal facility or other properties contaminated with by-product material.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

The Department's action should not be understood as a desire to limit or preclude public comment. Elsewhere in today's Illinois Register, the Department has proposed, for public comment, a general rulemaking that covers the topics included in the Emergency Rule.

- 10) Are there any other proposed amendments to this Part pending? Yes. Elsewhere in today's Illinois Register, the Department has proposed, for public comment, a general rulemaking that covers the topics included in the Emergency Rule.

- 11) Statement of Statewide Policy Objectives: The requirements imposed by the emergency rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

- 12) Information and questions regarding this emergency rule shall be directed to:

Stephen J. England
Chief Legal Counsel
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9881 (voice)
(217) 782-6133 (TDD)

The full text of the emergency rule begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY

SUBCHAPTER b: RADIATION PROTECTION

PART 334

FEES FOR BY-PRODUCT MATERIAL LICENSES

Section

334.10 Purpose and Scope

EMERGENCY

334.20 Definitions

EMERGENCY

334.30 Payment of Fees into the By-Product Material Safety Fund

EMERGENCY

334.40 Reimbursement of Fees from the By-Product Material Safety Fund

EMERGENCY

AUTHORITY: Implementing and authorized by the Uranium and Thorium Mill Tailings Control Act (see P.A. 88-638, effective September 9, 1994 [420 ILCS 42]).

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 6014, effective April 11, 1995, for a maximum of 150 days.

Section 334.10 Purpose and Scope

EMERGENCY

- a) The purpose of this part is to establish an annual fee which shall be imposed on the owner or operator of any property that has been used in whole or in part for the milling of source material and is being used for the storage or disposal of by-product material, equal to \$2 per cubic foot of by-product material being stored or disposed of by the facility. However, no fees shall be collected from any State, county, municipal, or local governmental agency. Moneys collected shall be deposited by the Department into the By-product Material Safety Fund (Fund). [420 ILCS 42/15]
- b) The Department is authorized to spend money from the Fund for the following purposes:
- (1) the costs of monitoring, inspecting, and otherwise regulating the storage and disposal of by-product material, wherever located;
 - (2) the costs of undertaking any necessary maintenance, decommissioning activities, cleanup, responses to radiation emergencies, or remedial action that may be necessary in connection with by-product materials;
 - (3) the costs incurred by the Department arising from the transportation of the by-product material from a storage or unlicensed disposal location to a licensed permanent disposal facility. [420 ILCS 42/15(b)]

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- c) In addition, the Department may reimburse to the owner or operator of any facility used for the storage or disposal of by-product material for costs incurred by the owner or operator in connection with the decontamination or decommissioning of the storage or disposal facility or other properties contaminated with by-product material. However, the amount of the reimbursements paid to the owner or operator of a by-product material storage or disposal facility shall not exceed the amount of money paid into the Fund by that owner or operator plus the interest accrued in the Fund attributable to amounts paid by that owner or operator [420 ILCS 42/15(b)(4)]. Section 334.40 sets out the procedures to be taken by the owner or operator in requesting reimbursement from the Fund.

Section 334.20 Definitions

EMERGENCY

As used in this Part, the following definitions apply:

"Act" means the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42].

"By-product material" means the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes but not including underground ore bodies depleted by such solution extraction processes.

"Department" means the Department of Nuclear Safety.

"Director" means the Director of the Department of Nuclear Safety.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Nuclear Regulatory Commission, or any successor thereto, and other than federal government agencies licensed by the United States Nuclear Regulatory Commission, or any successor thereto.

"Source material" means (i) uranium, thorium, or any other material that the Department declares by order to be source material after the United States Nuclear Regulatory Commission or its successor has determined the material to be source material; its successor has determined the material to be source material; or (ii) ores containing one or more of those materials in such concentration as the Department declares by order to be source material after the United States

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Nuclear Regulatory Commission or its successor has determined the material in such concentration to be source material.

Section 334.30 Payment of Fees into the By-Product Material Safety Fund EMERGENCY

The storage fees assessed under this Part are separate and distinct from any license fees imposed under 32 Ill. Adm. Code 331.

- a) The annual fee of \$2 per cubic foot shall be assessed on the quantity of by-product material in the owner or operator's possession on January 1 of each year. The Department shall provide notice of the amount of the fee by February 1 of each year.
- b) The quantity of material for the assessment in subsection (a) above does not include by-product material that has been at the facility for 180 days or less.
- c) *In connection with settling litigation regarding the amount of the fee to be imposed, the Director may enter into an agreement with the owner or operator of any facility specifying that the fee to be imposed shall not exceed \$26,000,000 in any calendar year (420 ILCS 42/15(a)).* Beginning in 1995, the annual fee shall be payable in equal installments on June 1, 1995, September 1, 1995, December 1, 1995 and December 31, 1995.
- e) Beginning in 1996, the annual fee shall be payable in equal quarterly installments due March 31, June 30, September 30 and December 31.
- f) Payments shall be by check or money order made payable to the Illinois Department of Nuclear Safety.
- g) If the owner or operator wishes to contest the annual fee assessment, the owner or operator may petition the Department to request a hearing. This petition must be received by the Department on or before the date the payment is due. If a hearing is granted, it shall be conducted in accordance with 32 Ill. Adm. Code 200.
- h) Any person failing to pay the fees as specified in this Section may be issued a Preliminary Order and Notice of Opportunity for Hearing, and may be subject to a civil penalty. This civil penalty shall not exceed 4 times the amount of the fees not paid (420 ILCS 42/40(b)).

Section 334.40 Reimbursement of Fees from the By-Product Material Safety Fund EMERGENCY

- a) An owner or operator who incurs costs in connection with the decontamination or decommissioning of the storage or disposal facility or other properties contaminated with by-product material is entitled to have those costs promptly reimbursed from the Fund.
- b) An owner or operator of a facility shall submit a request for reimbursement to the Director subject to audit by the Director.
- c) The Director shall, upon receipt of a request, give written notice approving or disapproving each of the owner or operator's request for reimbursement within 60 days.

DEPARTMENT OF NUCLEAR SAFETY

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d) The Director shall approve requests for reimbursement unless:

- 1) The Director finds that the amount is excessive, erroneous, or otherwise inconsistent with subsection (b) above; or
 - 2) The Director finds that the amount is inconsistent with any license or license amendments issued in connection with that owner or operator's decontamination or decommissioning plan.
- e) Upon approval of a reimbursement request, the Director shall prepare and certify to the Comptroller the disbursement of the approved sums from the Fund to the owners or operators.
- f) If the Director disapproves a reimbursement request, the Director shall inform the owner or operator, in writing, the reasons for disapproval.
- g) The owner or operator may resubmit to the Department a disapproved reimbursement request with additional information to respond to the reasons for disapproval and for further consideration by the Director.
- h) Disapproval of a reimbursement request shall constitute final action for purposes of the Administrative Review Law unless the owner or operator resubmits the denied request within 35 days.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Allied Health Care Professional Assistance Law
- 2) Code Citation: 77 Ill. Adm. Code 598
- 3) Section Numbers:

Emergency Action:	
598.100	Amendment
598.130	Amendment
- 4) Statutory Authority: Implementing and authorized by the Allied Health Care Professional Assistance Law [110 ILCS 905].
- 5) Effective Date of Emergency Rules: April 7, 1995
- 6) If this Emergency Rule is to Expire Before the End of the 150-Day Period, Please Specify the Date on Which it is to Expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: April 7, 1995

8) Reason for Emergency: These rules implement the Allied Health Care Professional Assistance Law, which was designed to improve primary health care services in Illinois by increasing the number of allied health professionals practicing in the State. The rules have been in effect since August 1994. During the program's first year of existence, discussions concerning scholarship award procedures have been on-going with administrators of all allied health professional programs in Illinois. On February 8, 1995 a meeting was held with administrators to obtain recommendations from academic staffs to make the scholarship program more efficient in meeting the needs of students, as well as meeting health care needs in medically underserved areas of Illinois. A result of these discussions was the consensus that the rules should be amended to eliminate the existing differences between full-time and part-time students in the limitations on the use of scholarship funds. This change would allow students, many of whom are limited to part-time enrollment because of the need to work to support themselves and their families, to decrease their work hours, increase school hours, finish academic studies more quickly and begin providing allied health services sooner. Additionally, the change in the disbursement process from disbursement to the recipient's school to direct award of scholarship funds to the recipient will result in a more efficient use of program funds and staff time. The new procedures will enable the Department to provide scholarships to more allied health professional students.

The Department has found it necessary to promulgate these changes through emergency rulemaking because of the timeframes imposed on scholarship applications and award decisions by the school calendar. Scholarship applications must be made available to students and financial aid offices in early April with a June 30, 1995 application deadline. Scholarship

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

awards must be made in late summer in order for students to have their scholarships by the start of the fall semester.

- 9) A Complete Description of the Subjects and Issues Involved:

Section 598.100 Limitations on Use of Scholarship Funds.

Amendments to this Section revise allowed uses of scholarship funds; delete the monthly living stipend; eliminate the differentiation between awards to full-time and part-time students; revise procedures for disbursement of scholarship awards; limit the number of years a recipient can receive scholarship awards; and prohibit recipients from being delinquent in tuition payments.

Section 598.130 Term of Performance.

This Section is being amended to delete a provision for notifying a recipient's school to stop disbursement of scholarship funds, because awards will be sent directly to the recipient instead of to the school.

- 10) Are There Any Proposed Amendments Pending on this Part? No

- 11) Statement of Statewide Policy Objectives: These rules will not require any new expenditures by units of local government.

- 12) Information and Questions Regarding these Emergency Amendments shall be directed to:

Gail M. DeVito
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-6187

The full text of the Emergency Amendments begins on the next page.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER g: GRANTS TO INCREASE ACCESS TO PRIMARY HEALTH CARE AND
SCHOLARSHIPS FOR HEALTH PROFESSIONAL STUDENTS

PART 598

ALLIED HEALTH CARE PROFESSIONAL ASSISTANCE LAW

SUBPART A: GENERAL PROVISIONS

Section
598.10
598.20
598.30

Definitions
Referenced Materials
Administrative Hearings

SUBPART B: ALLIED HEALTH CARE PROFESSIONAL SCHOLARSHIPS

Section
598.100
EMERGENCY
598.110
598.120
598.130
EMERGENCY
598.140

Limitations on Use of Scholarship Funds
Eligibility for Application
Criteria for Selecting Scholarship Recipients
Terms of Performance
Scholarship Repayment

AUTHORITY: Allied Health Care Professional Assistance Law [110 ILCS 905].

SOURCE: Adopted at 18 Ill. Reg. 11931, effective August 1, 1994; emergency amendment at 19 Ill. Reg. 6020, effective April 7, 1995, for a maximum of 150 days.

SUBPART B: ALLIED HEALTH CARE PROFESSIONAL SCHOLARSHIPS

Section 598.100 Limitations on Use of Scholarship Funds

EMERGENCY

- Scholarships in the amount of \$7,500 shall be used for ~~cover-the-cost~~ of tuition and matriculation fees and ~~provide-a-monthly~~ living expenses ~~stipend~~ for ~~full-time~~ students of allied health care professional programs.
- Scholarships may be made to part-time (but not less than 1/3 time) students and full-time students ~~but-shall-cover-only-tuition-and-fees~~.
- Scholarship funds shall be expended by the recipient only while enrolled and in good academic standing at an approved school.
- Scholarship funds shall not be awarded for expenses incurred when the student must repeat more than once an academic term or terms, if the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

repetition is necessary because the student has an academic performance below an acceptable level as determined by the student's school.

- Scholarship awards ~~funds~~ shall be made directly to the recipient ~~provided-to-the-recipient's-school--All-funds-for--tuition--and--fees~~ ~~are-to-be-expended-only-on-the-student's-behalf-and-all-stipend-monies~~ ~~are-to-be-provided-directly-to-the-student~~.
- Scholarship awards shall be made for a maximum of two (2) years.
- Scholarship awards shall not be made if recipient is in arrears on tuition payments to recipient's school.

(Emergency amendment at 19 Ill. Reg. 6020, effective April 7, 1995, for a maximum of 150 days)

Section 598.130 Terms of Performance

EMERGENCY

- Each scholarship recipient shall sign a written contract. The contract contains terms and conditions which ensure compliance with this Part, the laws of the State of Illinois, and enforcement of the contract.
- Scholarship recipients who fail to complete school due to academic failure, as documented by recipient's school, shall be discharged from all obligations.
- Scholarship recipients who fail to complete school due to voluntary actions on their part shall repay to the Department an amount equal to 3 times the amount of the annual scholarship grant received for each unfulfilled year of the obligation together with interest at 7 percent per year on that amount.
- In the event the scholarship recipient is disabled or is otherwise unable for reasons beyond the recipient's control to perform the scholarship obligations, these obligations shall be suspended until such time as the scholarship recipient is able to resume the scholarship obligations. Such suspension shall be requested in writing by the scholarship recipient. The Department's acceptance or denial of the suspension request will be provided in writing under the Director's signature. The Department shall accept a request for a suspension when supported by a letter from the recipient's physician attesting to the recipient's inability (either temporarily or permanently) to continue (either school or the practice of the allied health care professional field) and the recipient's agreeing to not continue either his or her education in the profession (or the practice of the allied health care profession) in any state.
- Misrepresentation of the facts presented in the recipient's application shall be considered a breach of contract. ~~All the recipient's-school-shall-be-notified-to-halt-further-disbursements--of-scholarship--funds--and--all~~ funds provided by the Department to the student shall be due in full, immediately.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

(Emergency amendment at 19 Ill. Reg. 6020 _____, effective April 7, 1995, for a maximum of 150 days)

SECRETARY OF STATE

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Anti-Theft and Abandoned Vehicles Law
- 2) Code Citation: 92 Ill. Adm. Code 1055
- 3) The Notice of Proposed Rules being corrected appeared at 19 Ill. Reg. 4976, dated March 31, 1995.
- 4) The information being corrected is as follows:

This item was left off the original Notice...

- 13) State reason(s) for this rulemaking if it was not included in the two (2) most recent regulatory agendas.

This amendment is being proposed to comply with PA 88-684 which was signed and became effective January 24, 1995. This legislation was not enacted until after the Secretary of State's submission of the regulatory agenda.

SECRETARY OF STATE

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Dealers, Wreckers, Transporters and Rebuilders

- 2) Code Citation: 92 Ill. Adm. Code 1020

- 3) The Notice of Proposed Rules being corrected appeared at 19 Ill. Reg. 4980, dated March 31, 1995.

- 4) The information being corrected is as follows:

This item was left off the original Notice...

- 13) State reason(s) for this rulemaking if it was not included in the two (2) most recent regulatory agendas.

This amendment is being proposed to comply with PA 88-685 which was signed and became effective January 24, 1995. This legislation was not enacted until after the Secretary of State's submission of the regulatory agenda.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 4, 1995 through April 10, 1995, and have been scheduled for review by the Committee at its April 18, 1995 or May 23, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
5/18/95	Department of Revenue, Electronic Filing of Illinois Individual Income Tax Returns (86 Ill Adm Code 105)	2/3/95 19 Ill Reg 1022	4/18/95
5/18/95	Department of Public Health, Testing of Breath, Blood and Urine for Alcohol and/or Other Drugs (77 Ill Adm Code 510)	1/13/95 19 Ill Reg 185	4/18/95
5/18/95	Department of Conservation, Camping on Department of Conservation Properties (17 Ill Adm Code 130)	2/17/95 19 Ill Reg 1378	4/18/95
5/18/95	Department of Conservation, Public Use of State Parks and Other Properties of the Department of Conservation (17 Ill Adm Code 110)	2/17/95 19 Ill Reg 1387	4/18/95
5/19/95	Department of Conservation, White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles (17 Ill Adm Code 660)	2/17/95 19 Ill Reg 1437	4/18/95
5/20/95	Department of Conservation, White-Tailed Deer Hunting by Use of Firearms (17 Ill Adm Code 650)	2/17/95 19 Ill Reg 1414	4/18/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
5/24/95	Department of Public Aid, Aid to Families with Dependent Children (89 Ill Adm Code 112)	1/27/95 19 Ill Reg 804	5/23/95
5/24/95	Department of State Police Merit Board, Procedures of the Department of State Police Merit Board (80 Ill Adm Code 150)	2/10/95 19 Ill Reg 1270	5/23/95

95-159
INTERNATIONAL STUDENT AWARENESS WEEK

Whereas, citizens throughout the State of Illinois have become increasingly aware of the importance and many benefits of student exchange programs; and

Whereas, as they include these young international students in their lives, the members of host families and host schools find an enriched quality of life and understanding of other nations and peoples, and the international students experience an enrichment and understanding of life in the United States of America and in our communities; and

Whereas, the citizens of Illinois are pleased to join in the International Education Forum's campaign to increase awareness of these benefits and of the value of hosting international students in our homes; and

Whereas, it is fitting that we set aside a special time to acknowledge this outstanding program and educate our citizens regarding its benefits;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 3-8, 1995, as *INTERNATIONAL STUDENT AWARENESS WEEK* in Illinois and I encourage all Illinoisans to recognize the importance of becoming educated and of educating our children in the understanding and respect of other peoples and the cultures of other nations through observing and participating in student exchange programs.

Issued by the Governor March 29, 1995.

Filed by the Secretary of State April 6, 1995.

95-160

BIELARSIAN INDEPENDENCE DAY

Whereas, the 77th anniversary of the Declaration of Independence of Belarus and the Belarusian Coordinating Committee of Chicago, Illinois, will be celebrated March 25, 1995; and

Whereas, a banquet and program will be held on April 2, 1995, in celebration of the 77th anniversary of the Declaration of Independence of Belarus; and

Whereas, March 25, 1918, was the day in which the principles and ideals were set forth in the third constitutional act and signed into law; and

Whereas, March 25th has become a symbol of the Belarusian struggle for independence; and

Whereas, Belarus regained its status of a free and independent state in 1991; and

Whereas, Belarusians are maintaining their cultural heritage and language and hope for a better tomorrow; and

Whereas, Belarusians are striving to retain political and economic stability in order to be a truly democratic society; and

Whereas, two exhibits featuring art, facts and historic material will be sponsored by the Belarusian Coordinating Committee of Chicago, Illinois. One will be on display at the Daley Center March 20-April 3 and another will be at the Illinois Center on March 27-31;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 25, 1995, as *BIELARSIAN INDEPENDENCE DAY* in Illinois.

Issued by the Governor March 25, 1995.

Filed by the Secretary of State April 6, 1995.

95-161

ORGAN AND TISSUE DONOR AWARENESS MONTH

Whereas, currently in Illinois, proven medical techniques make it possible to transplant kidneys, hearts, livers, bones, bone marrow, corneas, and skin; and

Whereas, many people have already been given the gifts of hearing and sight, freedom from dialysis, and a normal, healthy future thanks to organ transplants, but more than 2,000 people in Illinois are still waiting for a second chance at life through transplantation; and

Whereas, anyone can become an organ donor, regardless of age or condition. In Illinois, a witnessed signature on the back of a driver's license or on a uniform card verifies donor status; and

Whereas, organ and tissue donations reached an all-time high in 1994, and more than 1.7 million people are listed in statesFE donor registry as potential donors; and

Whereas, while we promote organ and tissue donor awareness, it is also important to recognize and honor all donor families in Illinois; and

Whereas, the State of Illinois is a national leader in organ and tissue donor awareness and public education programs and serves as a model to other states;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1995 as ORGAN AND TISSUE DONOR AWARENESS MONTH in Illinois and I urge everyone to consider becoming an organ donor.

Issued by the Governor March 30, 1995.

Filed by the Secretary of State April 6, 1995.

95-162

PUBLIC HEALTH MONTH

Whereas, the improvement in the quality of life and health of our citizens depends on programs and services that emphasize the prevention of disease, disability, and dependence; and

Whereas, April 3-9 has been designated as National Public Health Week by the American Public Health Association and other distinguished state and national organizations; and

Whereas, the Illinois Public Health Association, together with many other state organizations, has dedicated the entire month of April to showcase public health accomplishments and to hold special events, including the Ninth Annual Immunization Conference, cosponsored by the Illinois Department of Public Health, on April 4-5 and the Third Annual Public Health Policy Conference on April 19-20; and

Whereas, all observances during April will be used as a means to improve understanding about and appreciation for the essential role that public health and population-based programs have in the health care system; and

Whereas, the observation is a cooperative effort of the state and local health departments, academic institutions, allied organizations, community groups, and professional and trade associations which have joined together to promote a common interest in public health and a population-focused, community prevention approach to better health care; and

Whereas, the Illinois Public Health Association is a voluntary professional society whose members strive to protect and promote personal, community, and environmental health through organized activities in the areas

of education, research, and health policy development;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 3-9, 1995, as PUBLIC HEALTH WEEK and April 1995 as PUBLIC HEALTH MONTH in Illinois and urge citizens to take part in the events planned for this observance.

Issued by the Governor March 30, 1995.

Filed by the Secretary of State April 6, 1995.

95-163

SAVING MONTH

Whereas, saving is vital to the financial security of families and future generations; and

Whereas, education on financial issues at an early age is an important first step toward lifelong awareness of the value of personal saving; and

Whereas, increased saving will also provide investment capital to keep the American economy globally competitive and help maintain our national standard of living; and

Whereas, the saving ethic has always been an esteemed part of the American character with its strong emphasis on economic independence and self-sufficiency;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1995 as SAVING MONTH in Illinois.

Issued by the Governor March 30, 1995.

Filed by the Secretary of State April 6, 1995.

95-164

YOUTH TEMPERANCE EDUCATION WEEK

Whereas, alcoholism is one of America's foremost drug problems, affecting both adults and children, some before they reach their teen years; and

Whereas, we need to teach our youth the facts about the negative effects of alcohol and other narcotic drugs on their physical, mental, and spiritual well-being; and

Whereas, the Illinois and National Women's Christian Temperance Union are sponsoring Youth Temperance Education Week April 23-29 to promote better living that is free from alcohol, other narcotics, and tobacco to ensure a stronger nation, happier homes, and safer highways;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 23-29, 1995, as YOUTH TEMPERANCE EDUCATION WEEK in Illinois.

Issued by the Governor March 30, 1995.

Filed by the Secretary of State April 6, 1995.

95-165

CONCORDIA LUTHERAN GRADE SCHOOL DAY

Whereas, the Concordia Lutheran School Band from Peoria, Illinois, has been invited to participate in the National Cherry Blossom Festival Parade in Washington, D.C. on Saturday, April 8; and

Whereas, this year marks the 24th Annual Parade and is the only national parade in existence; and

Whereas, more than 125 band members, flag squad, and honor guard will be

parading down Pennsylvania Avenue on April 6 carrying the United States and the Illinois State Flag; and

Whereas, Concordia is the only school from Illinois to march in this parade and the first and only grade school band to be honored;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 8, 1995, as *CONCORDIA LUTHERAN GRADE SCHOOL DAY* in Illinois.

Issued by the Governor March 31, 1995.

Filed by the Secretary of State April 6, 1995.

95-166

EASTERN ILLINOIS UNIVERSITY WOMEN'S BASKETBALL DAY

Whereas, Eastern Illinois University has an illustrious history in women's FEs basketball; and

Whereas, during the tenure of Barbara E. Hilke as coach, with Deanna P. D' Abraccio as assistant and Number 13 Nancy Kassebaum as outstanding player, the team achieved distinction winning three state titles and earning a berth in the Final 8 of the AIAW Division II National Championship tournament; and

Whereas, Dr. Glenn and Joan Williams have chosen to honor the coaches and outstanding player of this championship ear through the commissioning of the bronze statue "Challenge to Excel", created by artist Denny Haskew of Loveland, Colorado;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend the donors, artist, coaches, and players for the dignity they bring to my alma mater through their achievement, generosity, and celebration of women's athletic excellence and proclaim April 21, 1995, as *EASTERN ILLINOIS UNIVERSITY WOMEN'S BASKETBALL DAY* in Illinois.

Issued by the Governor March 31, 1995.

Filed by the Secretary of State April 6, 1995.

95-167

GOSPEL MUSIC MONTH

Whereas, gospel music is recognized as the original musical art form and is considered to be one of the most distinctive contributions to American music; and

Whereas, gospel music of today, with its pulsating rhythms, harmonious melodies, and inspiring lyrics is sung and enjoyed by people of all races, religions, and ages; and

Whereas, music has become the language of today's youth, with the average teenager listening to four hours of music every day; and

Whereas, during the month of April, communities are encouraged to develop activities for youth with music, promoting positive messages for a happier, healthier, and more productive outlook on life;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1995 as *GOSPEL MUSIC MONTH* in Illinois.

Issued by the Governor March 31, 1995.

Filed by the Secretary of State April 6, 1995.

95-168

SMALL BUSINESS DAY

Whereas, a strong and stable economy is largely dependent on the determination and dedication of the small business community; and

Whereas, Illinois has more than 400,000 established small businesses, which produce the majority of the state's jobs; and

Whereas, Illinois has recognized the importance of its small businesses by making a strong and targeted commitment to provide assistance through programs available through the Illinois Small Business Development Center Network, which is comprised of Small Business Development Centers, Procurement Assistance Centers, and International Trade Centers. The Network is administered by the Department of Commerce and Community Affairs in cooperation with the United States Small Business Administration, the United States Department of Defense, Illinois colleges and universities, Chambers of Commerce, Economic and Neighborhood Development Organizations, and the private sector throughout Illinois; and

Whereas, the White House Conference on Small Business will hold its second Illinois meeting in Chicago on April 11, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 11, 1995, as *SMALL BUSINESS DAY* in Illinois and offer my welcome to the participants of the White House Conference on Small Business.

Issued by the Governor March 31, 1995.

Filed by the Secretary of State April 6, 1995.

95-169

STUDENT ATHLETE DAY

Whereas, the student-athlete should be recognized by society as a role model worthy of emulation by the youth of America; and

Whereas, the past athletic successes of many of this country's business, governmental, community, and educational leaders dispel the perception that successful athletes are one-dimensional; and

Whereas, such worthy values as perseverance, teamwork, self-discipline, commitment to a goal, and a belief in racial, gender, and ethnic equality are fostered and promoted by both academic and athletic pursuits; and

Whereas, it takes tremendous dedication and hard work for a student-athlete to successfully juggle schoolwork, athletic training, and social activities; and

Whereas, the overemphasis of victory, rather than the joy of the game, among the athletic programs at our nation's educational institutions can lead to exploitation and abuse of the student-athlete; and

Whereas, thousands of America's youth mistakenly sacrifice academic achievement to the dream of being involved in professional athletics; and

Whereas, coaches, parents, and educators of student-athletes must express high expectations for academic performance as well as for athletic performance; and

Whereas, there is a need in this nation to reemphasize the "student" in the term "student-athlete";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 6, 1995, as *STUDENT-ATHLETE DAY* in Illinois.

Issued by the Governor March 31, 1995.

Filed by the Secretary of State April 6, 1995.

95-170

WEEK OF THE YOUNG CHILD

Whereas, the people of Illinois are concerned about the increase in acts of violence to and by children and the effects of violence on children; and

Whereas, the Chicago Metropolitan Association for the Education of Young Children (Chicago Metro AEYC) is a membership organization of early childhood professionals who serve and act on behalf of children from birth to age eight; and

Whereas, the membership of Chicago Metro AEYC strives to advocate and educate on behalf of the rights and needs of young children; and

Whereas, the Week of the Young Child is an advocacy campaign sponsored by the National Association for the Education of Young Children and supported by Chicago Metro AEYC together with other AEYC affiliates across Illinois; and

Whereas, the purpose of Week of the Young Child is to mobilize our communities to positive action on behalf of the rights and needs of young children; and

Whereas, it is a fact that children who live with chronic violence suffer intellectually, socially, and emotionally and need caring and committed adults to work together to seek peace on their behalf; and

Whereas, the week of April 23-29, 1995, as been set aside as Week of the Young Child, with the focus on teaching peace through the combined efforts of parents, community leaders, and teachers in collaboration with other organizations throughout Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 23-29, 1995, as the *WEEK OF THE YOUNG CHILD* in Illinois and urge all citizens to take cognizance of the special events arranged for this time.

Issued by the Governor March 31, 1995.

Filed by the Secretary of State April 6, 1995.

The following information was obtained from the records of the [redacted] Department of the Interior, Bureau of Land Management, regarding the [redacted] land grant.

[The rest of the page contains extremely faint, illegible text.]